

**IN THE COURT OF ADDL. CHIEF METROPOLITAN
MAGISTRATE, 8TH COURT, ESPLANADE, MUMBAI.**

C.C. NO. 2344/MISC/2021

IN

**C.R. NO. 180/2021 PUS 11(1)(A)(G)(I) of Prevention to
Cruelty to Animal Act, 1960**

Jamshed Dady Khambata ...Applicant

v/s.

The State (Marine Drive Police Station) ... Respondent

**ORDER BELOW APPLICATION FILED BY APPLICANT JAMSHED
DADY KHAMBATA FOR RETURN OF HIS FIVE DOGS SEIZED BY
MARINE DRIVE POLICE STATION IN C.R. NO. 180/2021**

Read the application, say filed by concerned police station.

2. Heard applicant in person and Ld. APP at length.

3. It reveals that the applicant has made this application for return of his five dogs i.e. Chocolate (Mother), Zorro (Son), Primo (Daughter), Coffee (Daughter) and Dusky (Daughter) to him. He argued that 10 policemen and two veterinary Doctors examined his five dogs who kept in his bedroom and certified them to be hale and hearty. His dogs are all well behaved and cause absolutely no disturbance. As the police took away his dogs, he suffered a nervous break down. Prayed to return dogs to him.

4. The Marine Drive Police Station expressed their objection for handing over the dogs to the applicant. The IO argued that the applicant has not taken proper care of the dogs, not provided food to them as well as not provided amenities keep them on starvation, thereby committing cruelty against them. Therefore, prayed to handover the dogs to the proper institution for their proper care.

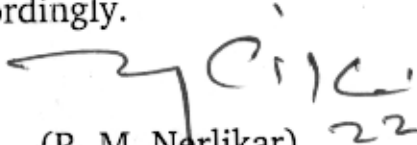
5. If considered the submission made by both the parties, it appears that on complaint the Marine Drive Police Station registered the non-cognizable offence against the accused punishable under sections 11(1)(A)(G)(I) of Prevention to Cruelty to Animal Act, 1960. Search of the house of the applicant was taken by order of the court wherein the investigation officer found that the accused committed the alleged offence. Therefore, the dogs of the applicant were seized, sent for medical examination and now they are kept at Hospital at Welfare of Stray Dogs Institute, Sewree, Mumbai. If considered all these aspects, I am of view that the applicant is the owner and possessor of the dogs which were seized by the Marine Drive Police Station. The same are required to be handed over to him on imposing certain conditions. Because, the applicant is the person who can take proper precaution and care of the dogs. Hence, the order:

ORDER

1. The application is allowed.

2. The Sr. PI of Marine Drive Police Station is hereby directed to handover the Dogs i.e. Chocolate (Mother), Zorro (Son), Primo (Daughter), Coffee (Daughter) and Dusky (Daughter) to the applicant on furnishing indemnity bond of Rs.50,000/- (Rupees Fifty Thousand only).
3. The applicant is directed to take proper care of the Dogs.
4. He is directed to get examined the Dogs from veterinary Doctors ones in a Month and thereafter as and when the Veterinary Doctor suggest and obtain the fitness certificate of the Dogs.
5. The applicant is hereby directed not to create any disturbance, nuisance and inconvenience to the persons residing nearby him.
6. The applicant shall not commit any cruelty to the Dogs.
7. The IO is directed to take photographs of the Dogs at the time of handing over the dogs to the applicant and filed the same when ordered.
8. Indemnity bond to be executed before the concern police station.

9. Inform concern department accordingly.


(R. M. Nerlikar)

22.12.21

Mumbai

Date : 22/12/2021

Addl. Chief Metropolitan Magistrate
8th Court, Esplanade, Mumbai.