

OMCA 22/2026.

O.M.C.A. No.22/2026

(*Crime No. 120/2026*)

CNR No.MHWR050002312026

Rajni Bhavriya Vs. State

and

Intervention application

Jivrakshak Vs. Rajni Bhavriya

ORDER BELOW EXH. 1 & 9

(Passed on 20.03.2026)

1) OMCA 22/2026 is filed by the applicant Rajni Bhavriya through power of attorney Rohit Dere for interim custody of vehicle bearing No. MH-49-DZ-9132. Intervention application is filed by applicant Jivrakshak Foundation, Hinganghat for mentainance for Rs. 200/- per day er cattle and keeping the vehicle on hold and for other reliefs

2) The aforesaid 04 cattles have been seized by Police Station Samudrapur in crime no. 120/2026, for the offence punishable u/s. 11 (1) (d), (e), (f) of Prevention of Cruelty to Animals Act and u/s. 5 (a) (1) and (2) and 9 of Maharashtra Preservation of Animals Act & Section 125 of BNS 2023, on the ground that they were being transported for slaughtering purpose.

3) Applicant Rajni Bhavriya through power of attorney Rohit Dere submitted that, Sidharth Flour is owner of vehicle bearing No. MH-49-DZ-9132. She has no connection with the alleged crime. Applicant is depend on the the vehicle. It is only bread earner of her

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family. She is ready to produce the vehicle as and when required. She is ready to abide each and every condition, if the vehicle is returned to her. Therefore, she prayed for allowing his application.

4) On the other hand, applicant Jivrakshak Foundation, Hinganghat submitted that, from the FIR report it reveals that, in the vehicle bearing No. MH-49-BZ-9132 was met with an accident. The vehicle was found while transporting the cattle in violation of law and the cattle were transporting for slaughtering purposes. Furthermore, in all 07 cattle were being transported in a vehicle in cruel manner out of it 03 cattle went from the spot and remaining 04 cattle were found injured. The cattle are sent to Jivrakshak Foundation Hinganghat. It further contended that, the vehicle be kept as security for maintenance amount of animals and the non applicants be directed to pay maintenance expenses of the said cattle to the said trust and other reliefs.

5) Learned APP for state submitted that, the animals are seized by police when accused used to transport the animals with the help of vehicle in cruel manner, without providing them any food and water. The transport of animal was without permission and license from concerned office. The transport of the animal was for slaughtering purpose. The protection of the life of animals and their welfare, appropriate order be passed. Learned APP for state prayed for rejection of an application of applicant Rajni Bhavriya.

6) Investigating Officer has filed his say contending that, if interim custody of vehicle is given to applicant applicant Rajni

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Bhavriya through power of attorney Rohit Dere then she will use it for commission of similar kind of offence. Therefore, he prayed for rejection of an application of applicant.

7) Applicant applicant Rajni Bhavriya through power of attorney Rohit Dere has filed her say to an application of Jivrakshak Foundation. She denied the contents in application. Rohit Dere contended that, he used vehicle all the basis of hire. He is dependent on vehicle. He used to give his vehicle on the basis on rent. He is dependent on the vehicle. He is not owner of cattles.

8) Applicant Rohit Dere has produced documents on record viz. Verified copy of registration certificate of vehicle bearing No. MH-49-BZ-9132, Verified copy of his Aadhar Card, Verified copy of power of attorney and Copy of FIR.

9) Applicant Jivrakshak Foundation has produced documents on record viz. verified copy of registration certificate.

10) Perused application, say and intervention application. Heard.

11) On appeal of documents on record it is not disputed that, applicant Sidharth flour mill is owner of vehicle bearing number MH-49-BZ-9132 seized in C. R. No. 120/2026. PSI Shri. Anil Waghmare lodged report for offences punishable u/s. 11 (1) (d), (e), (f) of Prevention of Cruelty to Animals Act and u/s. 5 (a) (2) and 9 of Maharashtra Preservation of Animals Act and section 125 of BNS,

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on the ground that cattles were being transported in cruel manner for slaughtering purpose.

12) It appears that, the allegations against applicant Rohit Dere is that he was transporting 07 cattle in vehicle bearing no. MH-49-BZ-9132. On perusal of FIR it appears that, in total 07 cattles are mentioned. It appears that, the large animals are involved in present crime. It appears that, the applicant has not produced any document on record to show how many animals he is permitted to carry in the said vehicle. It appears that, the applicant has not produced any document on record to show that arrangement for food and water was made in his vehicle. However, there is no any document on record to show that the Jivrakshak Foundation is not maintaining cattles properly.

13) Learned advocate for Jivrakshak Foundation submitted that, owner of cattles or applicant Rajni Bhavriya has not produced transport certificate as per rule 96. Until and unless the owner of cattles is provided the transport certificate as per Rule 96, she is not permitted to transport the cattles. Applicant Rohit Dere has not stated in his application that he had made arrangement for providing the water and food in the said vehicle. However, prima facie it appears that, applicant Rohit Dere and accused have committed breach of law.

14) Learned advocate for applicant Jivrakshak Foundation relied on case law of Hon'ble Bombay High Court, Nagpur Bench, in Criminal Writ Petition No. 685 of 2022 in between Tahir A. Matin

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Sheikh Vs State of Maharashtra and Ors., wherein "it is directed the petitioner to pay maintenance charges in respect of 17 seized cattle at the rate of 200/- per day per annum for the date of seizure." The case law is assisting to applicant Goshala.

15) Considering aforesaid mentioned facts and circumstances it is just and proper to confirm the custody of cattles with Jivrakshak Foundation subject to condition and to release the vehicle subject to conditions. Hence, in view of the above I pass the following order.

ORDER

- 1) OMCA 22/2026 and Intervention application are allowed as under
- 2) The interim custody of 04 cattles seized in crime no. 120/2026 is confirmed with Jivrakshak Foundation Hinganghat till the disposal of case arising out of said C.R. No. 120/2026.
- 3) Applicant Rajni Bhavriya through power of attorney Rohit Dere is jointly and severally liable with all other accused in C.R. No. 120/2026 to pay maintenance amount Rs. 200/- per day per cattle (for 04 cattles) to Jivrakshak Foundation Hinganghat from the date custody of animals is given to it till he (Rajni Bhavriya through power of attorney Rohit Dere) complies with order for releasing the vehicle.
- 4) Investigating Officer shall get the cattle marked for identification by ear tagging or by chipping from veterinary officer deployed at Government Veterinary hospital as per rule 3(a) of Prevention of Cruelty to Animals (Care and Maintenance of case property animals (Rules) 2017, at the expenses of the applicant viz. Rajni Bhavriya through power of attorney Rohit Dere, and other accused persons if previous tagging is

not done properly.

- 5) Applicant Jivrakshak Foundation Hinganghat shall inform in writing to this court and Police Station Samudrapur, the place at which it will keep the said cattle.
- 6) Applicant Jivrakshak Foundation Hinganghat shall not dispose of or sell the said cattle. It shall undertake that it will take due and proper care of the said cattle till the conclusion of the trial.
- 7) Applicant Jivrakshak Foundation Hinganghat shall, if any of the cattle dies, inform this court and Police Station Samudrapur and take the said cattle to Government Veterinary hospital for postmortem and the veterinary doctor shall submit the said postmortem report to this court.
- 8) Applicant Jivrakshak Foundation Hinganghat shall execute indemnity bond of Rs.2,00,000/- for due compliance of the aforesaid directions and on breach thereof the bond shall be forfeited and the amount recovered shall be credited to the State.
- 9) Interim custody of vehicle bearing registration no. MH-49-BZ-9132, seized in crime no. 120/2026 be given to the applicant Applicant Rajni Bhavriya through power of attorney Rohit Dere on executing bond of Rs. 15,00,000/- with following conditions.
 - a) She shall not sell, transfer, cause any changes or create any third party interest in the said vehicle.
 - b) She shall produce the same as and when required by the court
 - c) She shall not use the vehicle for commission of any offence

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d) Police Inspector of Police Station, Samudrapur is directed to hand over the custody of said vehicle to the applicant after preparing the detail panchanama of the same and on complying the condition mentioned in clause no. 3.

e) The vehicle shall be released only on compliance of condition mentioned in clause no. 3.

Dt.20/03/2026.
Samudrapur.

[P. L. Patil]
Judicial Magistrate First Class
Samudrapur.