

Common order in OMCA 28/2026, 29/2026 and 38/2026.

O.M.C.A. No.28/2026
(*Crime No. 122/2026*)
Ashish Dhurve Vs. State

O.M.C.A. No.29/2026
(*Crime No. 122/2026*)
Abdul Ajij Vs. State

AND

O.M.C.A. No.38/2026
(*Crime No. 122/2026*)
Sarvoday Goshala Vs. State

COMMON ORDER BELOW EXH. 1.

(Passed on 30/03/2026)

1) OMCA 38/3036 is filed by applicant Saryoday Goshala charitable trust, Amboda for interim custody of 19 cattles (Ox), for keeping vehicle as security for maintenance amount of said cattles & for other reliefs, OMCA 28/2026 is filed by the applicant Ashish Dhurve through power of attorney Omprakash Kawale for interim custody of vehicle bearing No. MH-40-CT-2197 and OMCA 29/2026 is filed by the applicant Abdul Ajij for interim custody of 19 cattles

2) The aforesaid 19 cattles have been seized by Police Station Samudrapur in crime no. 122/2026, 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, on the ground that they were being transported for slaughtering purpose.

3) Applicant Ashish Dhurve through his power of attorney

submitted that, he is owner of vehicle bearing No. MH-40-CT-2197. He has no connection with the alleged crime. Applicant depend on the vehicle. It is only bread earner of his family. He is ready to produce the vehicle as and when required. He is ready to abide each and every condition, if the vehicle is returned to him. Therefore, he prayed for allowing his application.

4) Applicant Abdul Ajij submitted that, he is owner of 19 cattles viz. Ox. They are required him for farm to use as agriculture. He contended the cattles are in the police station. He is ready to abide each and every condition, if the cattles are returned to him. Therefore, he prayed for allowing his application.

5) On the other hand, applicant Sarvodaya Gaushala submitted that, from the FIR report is reveals that, truck owner and cleaner were found while transporting the cattles in violation of law and they were transporting for slaughtering purposes. Furthermore, in all 19 cattle were being transported in a vehicle in cruel manner. It is contended that, as per amended provision in section 8 (3)(b) and as per government gazette dated 23.05.2017 the custody of animals may be given to Gaushala. It further contended that, the vehicle be kept as security for maintenance amount of animals. Therefore, it is submitted that, the interim custody of the aforesaid cattles be given to Gaushala and the non applicants be directed to pay maintenance expenses of the said cattle to the said trust and other reliefs.

6) 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. The transport of the animals was for slaughtering purpose. The cattles are kept in the Gaushala. Learned APP for state prayed for rejection of an application of applicant Abdul Ajij and Ashish Dhurve.

7) Learned advocate for applicant Ashish Dhurve and Abdul Ajij have filed their say to an application of Survodhya Gaushala. They denied the contents in application. They contended that, applicant Abdul Ajij is having farm land and he is required the animals for agricultural work. He further contended that, he wanted to sell it to other farmers. Applicant is not doing the slaughtering business. Applicant is ready to maintain animals. Applicant Ashish Dhurve is the owner of truck and he is dealing with the transportation of cattles from one place to other place. Therefore, they prayed for rejection of an application of Survodhya Gaushala.

8) Applicant Ashish Dhurve has produced documents on record viz. Verified copy of Adhar card of POA, the verified copy of power of attorney, Copy of FIR. Applicant Abdul Ajij has produced documents on record viz. Adhar card of applicant, Verified copy of licence issued APMC, Gondiya, Verified copies of purchase receipts of animals, Copy of FIR.

9) Applicant Saryoday Goushala has produced documents on record viz. verified copy of registration certificate, Trust deed, Annexure -03, Two orders of change reports, Certificate of Animal welfare board of India, verified copy of his Aadhar Card Manoj Panchbhai and copy of FIR.

10) Perused applications, say. Heard.

11) On perusal of documents on record it appears that, it is not disputed that, applicant Ashish Dhurve is owner of vehicle bearing number MH 40-CT—2197 seized in C. R. No. 122/2026 and applicant Abdul Ajij is the owner of 19 cattles. Police Hawaldar Ghanshyam Landge lodged report against owner and cleaner truck for offences punishable u/s. 11 (1) (d), (e), (f) of Prevention of Cruelty to Animals Act and u/s. 5 (a) (1), (2) and 9 of Maharashtra Preservation of Animals Act, on the ground that cattles were being transported in cruel manner for slaughtering purpose.

12) It appears that, the allegations against applicants and accused are that they were transporting 19 cattle in vehicle bearing no. MH-40-CT—2197. On perusal of FIR it appears that, in total 19 cattles are mentioned. It appears that, the large animals are involved in present crime. It appears that, the applicant Ashish Dhurve or his power of attorney have not produced any document on record to show how many animals they are permitted to carry in the said vehicle. It appears that, the applicants have not produced any document on record to show that arrangement for food and water was made in vehicle. However, there is no any document on record to show that the Gaushala is not maintaining cattles properly.

13) Learned advocate for Sarvodaya Gaushala submitted that, owner of cattles or applicant Abdul Ajij 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, he is not permitted to transport the cattles. Applicant Abdul Ajij has not stated in his application that he had made arrangement for providing the water and food in the said vehicle. Applicant Abdul Ajij submitted that, he is having farm land and he is required the animals for agricultural work. On perusal of record it appears that applicant Abdul Ajij has not produced any document on record to show that he is agriculturist. Further he has not produced any document on record to show that he is having agricultural land. Further, question arises that where he will keep those animals and how he will maintain those animals if the custody of animals is given to him. These questions remain unanswered. On the other hand applicant produced verified copy of licence issued APMC, Gondiya. Learned advocate for Goushala submitted that, said license is only to the extent of APMC Gondia. He submitted that, the alleged purchase receipts are from the Madhyapradesh. Therefrom it appears that applicant is businessman. Applicant Abdul Ajij in say at Exh. 10 stated that, he wanted to sell it to other farmers. However, prima-facie it appears that, applicant Abdul Ajij and accused have committed breach of law.

14) However, Hon'ble Bombay High Court, Aurangabad Bench, in Criminal Writ Petition No. 1145 of 2024 in between Abdul Majeed Abdul Nabi and others Vs State of Maharashtra and Ors, where in Hon'ble Bombay High Court held that "as per sub rule 5 of rule 5 if vehicle is involved for the offence relating to transport of animals, the vehicle owner is liable for the cost of transport, treatment and care of animals." The Hon'ble Bombay High Court, Nagpur Bench, in Criminal Writ Petition No. 685 of 2022 in between

Tahir A. Matin Sheikh Vs State of Maharashtra and Ors., wherein "it is directed the petitioner to pay maintenance charges in respect of 22 seized cattle at the rate of 200/- per day per animal from the date of seizure."

15) Considering aforesaid mentioned facts and circumstances it is just and proper to confirm the custody of cattles with Sarvodaya Gaushala subject to condition and to release the vehicle subject to conditions. It is just and proper to reject the application of Abdul Ajij. Hence, in view of the above I pass the following order.

ORDER

- 1) OMCA 29/2026 is hereby rejected.
- 2) OMCA 28/2026 and OMCA 38/2026 are allowed as under
- 3) The interim custody of 19 cattles seized in crime no. 122/2026 is confirmed with Saryoday Gaushala charitable trust, Amboda till the disposal of case arising out of said C.R. No. 122/2026
- 4) Applicant Abdul Ajij and Ashish Dhurve through power of attorney holder Omprakash Kawale are jointly and severally liable with all other accused in C.R. No. 122/2026, to pay maintenance amount Rs. 200/- per day per cattle (for 19 cattle) to Saryoday Gaushala charitable trust, Amboda from the date custody of animals is given to it till he or they complies with order for releasing the vehicle.
- 5) 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. Abdul Ajij and Ashish Dhurve, and other accused persons if previous tagging is not done properly.

- 6) Applicant Saryoday Goshala charitable trust, Amboda shall inform in writing to this court and Police Station Samudrapur, the place at which it will keep the said cattle.
- 7) Applicant Saryoday Goshala charitable trust, Amboda 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.
- 8) Applicant Saryoday Goshala charitable trust, Amboda 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.
- 9) Applicant Saryoday Goshala charitable trust, Amboda shall execute indemnity bond of Rs.3,80,000/- 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.
- 10) Interim custody of vehicle truck bearing registration no. MH-40-CT-2197, seized in crime no. 122/2026 be given to the applicant Ashish Dhurve through power of attorney holder Omprakash Kawale on executing bond of Rs. 15,00,000/- with following conditions.
 - a) He shall not sell, transfer, cause any changes or create any third party interest in the said vehicle.
 - b) He shall produce the same as and when required by the court

c) He shall not use the vehicle for commission of any offence

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. 4.

e) The vehicle shall be released only on compliance of condition mentioned in clause no. 4.

- 11) The original order be kept in OMCA 29/2026 and true copy thereof be kept in 28/2026 and 38/2026.

Dt. 30/03/2026
Samudrapur.

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

CERTIFICATE

Certified that PDF copy of order supurtnama is word to word identification to the original order.

(A. A. More)
Stenographer Gr-III