



FINAL ORDER BELOW EXH.01
(Passed this on 02nd day of June, 2026)

The accused are being prosecuted for the offence punishable under Sections 11(1), 11(1)(d), 11(1)(e), 11(1)(h), 11(1)(k) and 11(2) of the Prevention of Cruelty to Animals Act, 1960, R/w. Sections 9 and 83 of Maharashtra Animal Preservation Act, 1995 and Section 177 of The Motor Vehicles Act, 1988. Repeated summons and warrants came to be issued against them, but they failed to appear before the Court. Ultimately, a proclamation under Sections 82 of the Code of Criminal Procedure came to be issued against them, but the same turned unfruitful. The accused came to be declared as absconded and the matter proceeded under Section 299 of the Code of Criminal Procedure.

2] Accordingly, the witnesses came to be examined by the prosecution namely Sunil Divakarrao Bargad, (PW-1 at Exh.05), Sanjay Chandrabhanji Gore (PW-2 at Exh.08) are the spot and seizure panch witness, Kaneyasingh Hujursingh Juni (PW-3 at Exh.11) and Premchand Mangilal Agrawal (PW-4 at Exh.12) are the witness of the alleged incident. Shri. Suresh Durge, B.No.412 is the informant and Investigation Officer, who is retired and not traceable vide Exh.19 as per Police Report. However, the witnesses turned hostile and did not support the prosecution case. Apart from it, repeated summons and bailable warrants have been issued to the remaining witnesses, but the prosecution failed to secure their presence.

3] Now, the core issue is whether on the basis of the above evidence recorded under Section 299 of Cr.P.C., the accused can be discharged. In my opinion, when in evidence recorded under Section 299 of Cr.P.C., no incriminating material is found which would result in the conviction of accused, so the accused are required to be discharged under

Section 239 of Cr.P.C. In the case at hand, as discussed above, the testimony of prosecution witnesses are not sufficient or enough to bring home the alleged guilt against the accused. So also, the prosecution failed to secure the presence of other witnesses. Therefore, the evidence of the prosecution is closed. Hence, there is no incriminating evidence against the accused on record which would result in the conviction in the event of their arrest. The statement of the accused under Section 313 of the Code of Criminal Procedure is dispensed with. There is no possibility of securing the presence of the accused. The matter is of the 2016 years i.e. more than 10 years old. Considering above facts, no evidence is seen on record to proceed further against the accused. Similarly, no purpose will be served by keeping the file pending. In view of the above, I pass the following order:-

ORDER

- 1) The accused are discharged from the offences punishable under Sections 11(1), 11(1)(d), 11(1)(e), 11(1)(h), 11(1)(k) and 11(2) of the Prevention of Cruelty to Animals Act, 1960, R/w. Sections 9 and 83 of Maharashtra Animal Preservation Act, 1995 and Section 177 of The Motor Vehicles Act, 1988 vide Section 239 of the Code of Criminal Procedure.
- 2) The seized muddemal i.e. Tata Zenon Pick-up Yuro-3 bearing registration No.MH-49/D.-1364, 1 Cow, 5 Bullock, 2 Calves and Samsung Mobile were already handed over to accused No.1 namely Abdul Sadique Abdul Rashid Qureshi on supurtnama, hence the said supurtnama order is confirmed after appeal period is over.
- 3) The bail bonds of the accused are cancelled and cash security amount, if any, be credited to the Government.
- 4) The concerned police station to take note of it and call back the warrant and proclamation, if any.
- 5) The proceeding is finally disposed off accordingly.

Date :- 02.06.2026
Place :- Arvi

[N. J. Deshmukh]
Judicial Magistrate First Class,
Court No.2, Arvi