

MHYA100003982026

**ORDER BELOW EXH.01**

1. The instant application is filed by the applicant Divakar Vilas Matte, R/o: Mangi, Tq: Ralegaon, Dist. Yavatmal for grant of interim custody of 2 bullocks seized by the Police Station Pandharkawada in crime No. 313/2026 during investigation. The applicant claims to be the owner of the seized cattle. Perused application and say filed by the learned A.P.P. and I.O. and Gokulam Gorakshan Sansthan thereon. Heard all sides at length.

2. It is the contention of the applicant that P.S. Pandharkawada had registered an offence under sections 5, 5-A(1) and 9 of the Maharashtra Animal Preservation Act, 1976, under section 11 (1) (g), 11 (1) (d), 11 (1) (c), 11 (1) (j), of The Prevention of Cruelty to Animals Act, 1960 and under section 119 of Maharashtra Police Act, 1951 in connection with crime no. 313/2026. The applicant has purchased the cattle also having the purchase bill of the said seized cattle. As such the applicant is the legal owner of the seized cattle. The applicant is ready to abide by any of the conditions that may be imposed by this court in the event of release of the seized vehicle and cattle on supratnama.

3. On the contrary, the I.O.,the learned A.P.P. have opposed the said application on the ground that the seized cattle were carrying in humiliated condition. Hence, they prayed for rejection of the said application. The Gokulam Gorakshan Sansthan has also demanded maintenance charges at the rate of Rs. 200/- per cattle per day. Also stated that, the cattle were carried without pass and permit and without proper due care mentioned in the rules. Hence, prayed for rejection of this application.

4. I have carefully gone through the records of the case and also gave thoughtful consideration to the submissions made by all concerned. It is pertinent to note that in the said application, the applicant therein has placed on record the purchase bill in respect of cattle which were seized which shows that purchase amount Rs. 30,000/- were as the application content the amount of Rs. 55,000/- which does not match upon which on the strength of purchase receipts the applicant is claiming to be the owner of the seized cattle.

5. It is pertinent to mention here that, in the present crime no. 313/2026 in total 2 bullocks have been seized. In the present crime the offences of Prevention of Cruelty to Animals Act, 1960 were involved.

6. Now, coming back to the hub of the matter, perusal of F.I.R. reveals that seized cattle were tied in humiliated condition. The applicant as prima facie proved his ownership over the seized cattle however the safety and proper care of the cattle is paramount question

which is not possible with the applicant, and while deciding the custody of the animals the court should keep in mind the mandates of the rules of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rule, 2017 as such one thing became very clear that the above rules are very stringent and has to necessarily followed by all concerned. Furthermore, the applicant has not stated for which purpose the cattle are purchased or for what purpose they are carried in the vehicle. Furthermore, no document as to permit for transportation of the cattle is filed on record. Consequently, I proceed to pass the following order.

ORDER

1. The application is hereby rejected.

Date :- 27/03/2026

(Smt.A.M. Kasim)
Judicial Magistrate First Class,
Kelapur