

MHYA1000-0458-2026



ORDER PASSED BELOW EXH.1

Shaikh Sarfaraz Shaikh Rasool Qureshi

Vs

State through P.S. Pandharkawda

(Passed on 16/04/2026)

The present application has been filed by the applicant namely **Shaikh Sarfaraz Shaikh Rasool Qureshi** under section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 (In Short BNSS) seeking **release of Six cattle seized by Police Station Pandharkawada in Cr. No. 308/2026 during investigation, for the offence punishable U/sec.11(1)(g),(d),(c) of Cruelty to Animal Act, 1960, and Sec.5, 5(a),5(b) of Maharashtra Animal Preservation Act, 1976.**

2. It is the contention of the applicant that P.S. Pandharkawada has seized **Six cattle** in connection with **Cr.no. 308/2026** in violation of Section 11(1)(g), (d), (c) of Cruelty to Animal Act, 1960, and Sec.5, 5(a),5(b) of Maharashtra Animal Preservation Act, 1976. .The applicant is the owner of the seized animal. He purchased the all the six cattle for his agricultural work. The applicant is claiming to be the owner of the said cattle. He 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 on suprutnama.

3. As against this, the I.O. and the learned A.P.P. have taken strong objection on release of cattle. The learned A.P.P. submitted his say below Exh.01 that the cattle were tied in cruel manner in a farm and the cattle were tied for the purpose of their slaughtering . The crime committed is serious in nature. He has filed no document to show his ownership over the cattle. Hence, there is every possibility that the animals seized may be put for slaughtering. Therefore, he prayed for rejection of the application in the interest of justice. The Kondwada has field his objection by filing his say.

4. Perused the application, say filed by the learned A.P.P. I.O. and Kondwada. Heard Mr. M.R.Sayyad for applicant and learned A.P.P at length. Considered their submissions.

5. The learned counsel for applicant invited my attention towards the list of documents filed on record at Exh.02. In support of his claim, the applicant has filed verified copy of Adhar Card and verified copies of receipts of APMC (Krushi Utpanna Bazar Samiti), Ralegaon Dist.Yavatmal in respect of Six cattle. Applicant also filed his affidavit stating that he is owner of the said cattle.

Thereafter he has filed 7/12 extract and affidavit of the person in whose field the cattle were grazing. On perusal of the record, it prima facie appears that the cattle were seized from an agricultural field. The field was belonging to one Prashant Balaji Bonde. He has filed his affidavit stating that his and the applicant's cattle were grazing in his field.

6. 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 has stated that he is an agriculturist and for agricultural purposes he has purchased the cattle. However, he has not filed any document to show that he is agriculturist. Further he has not filed any document to show that he is cultivating the field of Prashant Balaji Bonde. On perusal of affidavit of Prashant Balaji Bonde, it appears that he has specifically stated that cattle of applicant were grazing along with his cattle in his field. However, perusal of FIR reflects that there is no mention of presence of cattle of Mr. Bonde in the same field on the date of incident. Moreover, it appears that the cattle were purchased two days before the seizure. Therefore, the apprehension of prosecution regarding slaughtering of the cattle cannot be ruled out.

7. 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 were tied in the field of Mr.Bonde. Consequently, I proceed to pass the following order-

ORDER

- 1) The application is rejected.
- 2) The applicant is directed to make payment of maintenance charges in respect of Two seized cattle at the rate of Rs. 200/- per day per cattle from the date of seizure of the cattle till the date of this order i.e.16/04/2026.
- 3) Investigating Officer is directed to handover the two cattle to Gokulam Gorakshan Sansthan forthwith and prepare a detail panchanama before panch witnesses. He be directed to click photo of all the two cattle individually and attach them along with panchnama and file the copy of the same along with chargesheet. The Gokulam Gorakshan Sansthan shall file indemnity bond of two cattle after the receipt of their custody.

- 4) The investigating officer, be directed to pierce the ears of both two cattle with an individual tag thereon in order to secure the identity of said cattle.
- 5) Issue letter to the investigating officer accordingly.

sd/-

(Sayema N.A.S.Shaikh)

Date: 16/04/2026. Judicial Magistrate, First Class,
(Court No.2), Kelapur