

MHYA100003992026

**ORDER PASSED BELOW EXH.1****Pradip Suresh Dakhare****Vs****State through P.S Pandharkawda**

(Passed on 15/04/2026)

The present application has been filed by the applicants namely **Pradip Suresh Dakhare** under section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 (In Short BNSS) seeking release of **Two cattle seized** by Police Station Pandharkawada in **Cr. No.313/2026** during investigation, **for the offence punishable U/sec.11(1)(c),(d), (j) of Cruelty to Animal Act, 1960, and Sec 5(a), 5-A and 9 of Maharashtra Animal Preservation Act, 1976.**

2. It is the contention of the applicant that P.S. Pandharkawada had registered an offence under punishable U/sec.11(1)(c), (d), (j) of Cruelty to Animal Act, 1960, and Sec 5(a), 5-A and 9 of Maharashtra Animal Preservation Act, 1976 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. 82,000/- 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 cattle 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.

7. On perusal of record it appears that, the applicant has not filed certificate of transport of animals, fitness to travel certificate mandatorily be authorized by veterinary doctor. Further he has not filed Animal certificate in the present matter. It appears that the applicant has not followed the rules as per the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rule, 2017. 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 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.15/04/2026.
- 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: 15/04/2026.

Judicial Magistrate, First Class,
(Court No.2), Kelapur