



Order below Exh. 01 in Cri. M. A. No. 26/2026
(CNR No. MHRT080004322026)

The applicant namely, Ganesh Ganpat Lambore, has filed the present application, for interim custody of vehicle – **Mahindra Bolero Pickup No. MH-08-AP-1211**, Chassis No. **MA1ZN2TBKJ1G61900** and Engine No. **TBJ1G68700**, seized by Deorukh Police Station, in connection with **Crime bearing No. 106/2026**, for offence punishable **under sections 11(1)(d),(g) and (c), of the Prevention of Cruelty to Animals Act, 1960, under section 119 of Maharashtra Police Act, 1951, under sections 47, 48, 49, 54 of Animal Transport Rule, 1978 and under section 3(5) of the Bharatiya Nyaya Sanhita, 2023.**

02. The applicant submitted that, the seized vehicle is in possession of Deorukh Police Station. The applicant used the said vehicle for transport and agricultural work. The said vehicle is his income source. Hence, prayed for granting interim custody of the present vehicle. Application is supported by an affidavit at Exh. 02.

03. The Say of Ld. APP and I.O. was called. I.O. objected the application by filing his say below Exh. 09. He submitted that, the present vehicle was found while transporting 02 cattle illegally. If the said vehicle is released then there is possibility of change in it's nature, it's disposal by sale. Hence, prayed for rejection.

04. The Ld. APP objected the application by filing his say vide Exh. 10. He submitted that, the present seized vehicle was found while transporting the cattle, in violation of the concerned provisions and rules of law. The owner of the vehicle and the accused are responsible jointly and severally with the accused persons for the costs of transport, treatment and

care of the animals. He placed reliance upon :- **Abdul Majeed s/o Abdul Nabi Vs. The State of Maharashtra through Umri Police Station, Tq. Umri, Dist. Nanded, (Criminal Writ Petition No. 1145 of 2024.**

05. The applicant has filed the documents in support of the application vide Exh. 04 and 08. He filed the certified copy of FIR No. 106/2026, registered with Deorukh police station, verified copy of RC book and photocopy of his Adhar card.

06. Head both the sides and perused all the record.

07. Perusal of copy of RC books reveals that the seized vehicle is owned by the present applicant. In reported case of **Sunderbhai Ambalal Desai Vs. State of Gujarat (2002) 10 SCC 283, the Hon'ble Supreme Court** held that :- *In our view, whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time".* Hence, no purpose would be served by keeping the custody of the vehicle in the police station. Hence, interim custody can be given to the applicant of the seized vehicle.

08. Perusal of copy of FIR bearing No. 106/2026, Deorukh Police Station reveals that the offences is registered under sections 11 (1)(d),(g) and (c), of the Prevention of Cruelty to Animals Act, 1960, under section 119 of Maharashtra Police Act, 1951, under sections 47, 48, 49, 54 of Animal Transport Rule, 1978 and under section 3(5) of the Bharatiya Nyaya Sanhita, 2023 against the present applicant only.

09. Perusal of record the reveals that present applicant has not taken permission from the RTO for transport of the seized cattle and also

certificate from Veterinary Doctor to carry those cattle from one place to another. Hence, it reveals prima-facie involvement of the vehicle commission of the crime.

10. In the year of the 2017, Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rule, 2017 were formed by the Government and various rules are laid down for maintenance of care of the seized animals. As per Rule 5 (4), 'if the vehicles has been involved in an offence, the Magistrate shall direct that vehicles beheld has security'. Rule 5 (5) provided that *'if the crime is relating to transport of animals and the vehicle is involved in the crime, then the vehicle owner consignor, consignee, transporter, agents, in any other parties involved, shall be jointly and severally liable for the costs of transport, treatment and care of the animals'*.

11. It is also necessary to see the definition of 'owner' as provided under section 2(f) of the Act, which provides – 'owner' used with reference to an animal, includes not only the owner but also any other person for the time being is possession or custody of the animal, whether with or without consent of the owner. Hence, the person transporting the cattle would be treated in position of the owner. Hence, the present applicant is bound to pay for the costs of transport and maintenance and treatment of the seized cattle.

12. As per Rule 5(1) - "The Magistrate shall determine sufficient amount to cover of reasonable cost incurred and anticipated to be incurred for transport, maintenance and treatment of the animal and direct the accused and the owner to execute a bond of the determined value with sureties within three days". As per Rule 4(2) the Magistrate shall use the rates specified by the State Board as the minimum specified rates for transport, maintenance and treatment of the seized cattle.

13. As per minimum rates fixed by the Maharashtra and Welfare Board, dated 02/07/2019, the costs and daily maintenance and care is of Rs. 200/- (Rs. Two Hundred only) per cow and cattle. The costs for health examination, identification color and photographs and ear-tagging is Rs. 200/- (Rs. Two Hundred only) per animal. In present offence, total 02 cattle were seized on 14/07/2026 and the custody of seized cattle was given to milk producing farmer namely, Omkar Vijay Kasar, R/o. Kondgaon, Wanivadi, Tal. Sangmeshwar, Dist. Ratnagiri, as per say of I. O. Hence, from 14/07/2026, till today i.e. for 21 days, the costs of Rs. 400/- (Rs. Four Hundred only) per cattle is required to be pay by the present applicant.

14. Hence, present applicant is liable to pay Rs. 16,800/- (Rs. Sixteen Thousands and Eight Hundreds only) to Omkar Vijay Kasar, R/o. Kondgaon, Wanivadi, Tal. Sangmeshwar, Dist. Ratnagiri, from the date of custody of cattle till today. i.e. 14/07/2026 to 03/08/2026. So also, the present applicant and the accused are also responsible to pay in future the amount of Rs. 400/- per day for animal till final conclusion trial jointly and severally. They can be directed execute the bond with solvent surety to that effect. Accordingly, I pass following order :-

ORDER

1] The application is allowed subject to following conditions.:-

A] The interim custody of the seized vehicles – **Mahindra Bolero Pickup No. MH-08-AP-1211**, Chassis No. **MA1ZN2TBKJ1G61900** and Engine No. **TBJ1G68700**, shall be handed over to the applicant on execution of supurnama bond of Rs. 2,00,000/- (Rs. Two Lakhs only) on following conditions -

i] The applicant shall produced the said vehicle as and

when required by the appropriate authority or by the Court.

- ii] The applicant shall not transfer the said vehicle by way of sale, exchange, gift etc. to any other persons till the final disposal of the case arising out of Crime No. 106/2026, registered with Deorukh Police Station.
- iii] The applicant has also directed not to change the nature of the vehicle till final disposal of the trial.
- iv] The applicant is further directed not to use the said vehicle in any kind of the offence.
- v] The Investigating Officer shall conduct the detail panchanama and shall take color photographs of the seized the vehicles at the costs of the applicant before releasing the seized and shall report its compliance.

B] The present applicant is directed to pay Rs. 16,800/- (Rs. Sixteen Thousands and Eight Hundreds only) to Omkar Vijay Kasar, R/o. Kondgaon, Wanivadi, Tal. Sangmeshwar, Dist. Ratnagiri, from the date of custody of cattle till today. i.e. 14/07/2026 to 03/08/2026, towards maintenance and health inspection of the seized cattle within three days of this order. He shall continue to pay in future the amount of Rs. 400/-(Rs. Four Hundred Only) per day per cattle, till final conclusion of the trial. He shall execute a bond to that effect with solvent surety of Rs. 15,000/- (Rs. Fifteen Thousands Only) each, within three days from the date of this order, to cover all the costs incurred and anticipated to be incurred for transport maintenance and treatment of seized cattle.

- C]** In the event of failure to execute the bond of applicant and the accused persons, the cattle shall stand forfeited, vide Rule 5(1) of the Preservation of Cruelty to Animal (Care and maintenance and case property Animals), Rule 2017.
- D]** If the applicant and the accused persons fails to execute the bond under Rule 5(1) of the Rule as directed above, the seized vehicle shall be held as security vide Rule 5(4) Preservation of Cruelty to Animal (Care and maintenance and case property Animals), Rule 2017.
- E]** In case of failure to pay the amount of Rs. 16,800/- (Rs. Sixteen Thousand Eight Hundred only) as directed to above, the amount be recovered as the arrears of land Revenue, Vide Rule 5(8) Preservation of Cruelty to Animal (Care and maintenance and case property Animals), Rule 2017.
- F]** The I.O. shall take steps under Rule 3(a) of the Preservation of Cruelty to Animal (Care and maintenance and case property Animals), Rule 2017, to ensure health inspection identification and marking of the seized cattle through the concerned Veterinary Officer by ear-tagging or by advance technology and submit a compliance report alongwith photographs.
- G]** The applicant shall furnish the receipt issued by milk producing farmer namely, Omkar Vijay Kasar, R/o. Kondgaon, Wanivadi, Tal. Sangmeshwar, Dist. Ratnagiri, to the Court.

(Rohini R. Kulkarni)

Judicial Magistrate F.C., Deorukh,
Dist. Ratnagiri.

Date : 03/08/2026
Place : Deorukh

- : C E R T I F I C A T E : -

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer	:- A. A. Shivalkar.
Court Name	:- The Court of Civil Judge (J.D.) & Judicial Magistrate F.C., Deorukh
Date of decision	:- 03/08/2026
Order signed by PO. on	:- 03/08/2026
Order uploaded on	:- 03/08/2026