



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.156 of 2026

Sekh Riyajuddin

...

Petitioner

Mr. J. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. C. R. Swain, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

24.02.2026

Order

No.

01.

1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. Being aggrieved by the order dated 03.02.2026 passed by the learned S.D.J.M., Bhadrak, in Misc. Case No. 29 of 2026 arising out of Bhadrak Rural P.S. Case No.830 of 2025 corresponding to G.R. Case No.3095 of 2025, the present CRLREV has been filed.

3. While considering the prayer of the Petitioner for release of the vehicle under Section 503 of BNSS, the learned Court in seisin while allowing the release of the vehicle directed him to deposit a sum of Rs.3,76,200/- taking into account the expenses incurred by the Goshala.



4. The Petitioner is alleged to have committed the offence under Section 303(2)/317(2)/3(5) of BNS, 2023 read with Sec. 11 of prevention of Cruelty to Animals Act and U/s. 7 of Orissa Prevention of Cow Slaughter Act.

5. The allegation of the prosecution was that the animals in question were being taken in the TATA Truck vehicle bearing Regd. No.OD-34T-4453 of which the Petitioner is stated to be the owner.

6. Seeking release of the said vehicle the Petitioner moved the learned SDJM.

7. It is submitted by the learned counsel for the Petitioner that imposition of such condition is harsh and is against the spirit of law as laid down by the Apex Court in the case of ***Sunderbhai Ambalal Desai vs. State of Gujarat, (2002) 10 SCC 283.*** Hence, the matter merits interference of this Court in exercise of revisional jurisdiction.

8. Learned counsel for the State on the other hand opposes such prayer specially referring to Section 11(1), 11(1)(a)(d) of Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to "the PCA Act") and submits that the Petitioner cannot be absolved from paying for the maintenance of the animals carried illegally. It is apt to note that 33 number of cows were being carried in the said vehicle



were given in zima to Rudrashram Goshala, Maitapur on 24.12.2025.

9. This Court finds substance in the submission of the learned counsel for the State but at the same time is persuaded by the submission of the learned counsel for the Petitioner that the direction to deposit Rs.3,76,200/- at one go in the given facts of the present case would be harsh and in fact would amount to negating the order of release.

10. Learned counsel for the Petitioner submits that because of financial constraints, the Petitioner is not in a position to deposit the entire amount at one go.

11. On considering the rival submission and keeping in view the Section 35(4) of the PCA Act read with Rule 4(2) of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 (hereinafter referred to as 'the Rules'), this Court is persuaded to direct that interest of justice would be sub-served if the Petitioner is directed to make upfront payment of Rs.76,200/-. On payment of Rs.76,200/-, the vehicle in question shall be released subject to other conditions as imposed, which are not varied and it is further directed that the balance amount of Rs.3,00,000/- shall be paid in six equal monthly installments and the first of which shall fall due one month after the order of release of the vehicle in question.



The learned Court in Sessions is requested to fix the timeline of the said installments in six equal monthly installments of Rs.50,000/- each. The amount so deposited shall be released in favour of the authorized person of Rudrashram Goshala, Maitapur, Balasore on due verification.

12. It is made clear that in the event there is any default of payment of any of the installments as fixed by the learned Trial Court, it shall be open for the said Court to proceed in accordance with law, against the Petitioner.

13. Accordingly, this criminal revision stands disposed of.

(V. NARASINGH)
Judge

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