

30.07.2026
Serial no. 32
Court No.9
S. A.

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

CRR 279 of 2026

*In Re : **Moslim Mondal***

... .. Petitioner

Mr. Hillol Saha Podder, Adv.

..for the petitioner

Mr. Janardan Periwai, Ld. JPP.

Ms. Ruchika Agarwala, Adv.

Mr. Sanjeeb Kumar Deb, Adv.

...for the State

1. Affidavit-of-Service filed in Court is taken on record.
2. The instant revisional application has been filed at the behest of the petitioner, who is the owner of the seized cattle. By filing the instant revisional application, the petitioner has challenged an Order dated April 28, 2026 passed by learned Additional Chief Judicial Magistrate, Siliguri in connection with PTN No. WBDJOEP000126 of 2026.
3. By the said order, the prayer of the petitioner seeking release of six numbers of seized cattle in favour of the petitioner was refused by learned Magistrate. It was also directed in the order that the seized cattle shall be kept in

the custody of a recognized Gousahala/shelter with a direction upon the petitioner, being the owner of such cattle, to furnish Zimmanama bond of Rs.6,00,000/- and to bear the cost of maintenance and welfare of the cattle till the final decision of the case.

4. It is submitted by learned Advocate for the petitioner that the petitioner is the owner of the seized cattle and on such ground the interim custody of the cattle ought to have been granted to the petitioner. The petitioner is aggrieved with the order dated April 28, 2026.
5. On the other hand, learned Advocate appearing for the State submits that the investigation of the case is ongoing. Learned Magistrate has justifiably asked the order in terms of the provisions of Section 11 (1) (d) of the Prevention of Cruelty to Animals Act as well as Rule 56 of the Transport of Animal Rules, 1978. There is no infirmity with such order.
6. Learned Advocate for the petitioner further submits that there are allegations of subjecting the seized cattle to cruelty, in violation of the provision of Prevention of Cruelty to Animals Act. In terms of the said Act as well as Rules thereunder, interim custody of the seized cattle cannot be granted to the petitioner even if he was the owner thereof.
7. I have gone through the impugned order. From the impugned order, it transpires that the learned Magistrate, while deciding the application for release of seized cattle,

made on behalf of the petitioner, sought police report which establishes that the petitioner is the owner of six number of cattle seized. However, in terms of the provisions of the Prevention of Cruelty to Animal Act as well as Rules therein, learned Magistrate proceeds to direct the cattle to be kept in the custody of a recognized Gousahala/Shelter.

8. In terms of the provisions of the Act, the learned Magistrate also directed the petitioner, being the owner of the seized cattle, to bear the cost of rearing and maintenance of the cattle until the decision of the court in the pending proceeding. Such direction was also imposed in terms of the Prevention of Cruelty to Animals Act as well as the Rules thereunder.
9. Section 11 of the Prevention of Cruelty to Animals Act reads as follows:

"11. Treating animals cruelly.—(1) If any person— (a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animal to be so treated; or (b) [employs in any work or labour or for any purpose any animal which, by reason of its age or any disease], infirmity, wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be so employed; (c) wilfully and unreasonably administers any injurious drug or injurious substance to [any animal] or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by [any animal]; or

- (d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or*
- (e) keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or*
- (f) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or*
- (g) being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement; or*
- (h) being the owner of [any animal] fails to provide such animal with sufficient food, drink or shelter; or*
- (i) without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or*
- (j) wilfully permits any animal, of which he is the owner, to go at large in any street while the animal is affected with contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or*
- (k) offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment; or*
- (l) mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner; or]*
- (m) solely with a view to providing entertainment—*
 - (i) confines or causes to be confined any animal (including tying of an animal as a bait in a tiger or*

other sanctuary) so as to make it an object of prey for any other animal; or

(ii) incites any animal to fight or bait any other animal; or]

*(n) 3 *** organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes; or*

(o) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting;

he shall be punishable, [in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both].

(2) For the purposes of sub-section (1), an owner shall be deemed to have committed an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence:

Provided that where an owner is convicted of permitting cruelty by reason only of having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to—

(a) the dehorning of cattle, or the castration or branding or nose-roping of any animal, in the prescribed manner; or

(b) the destruction of stray dogs in lethal chambers or 5 [by such other methods as may be prescribed]; or

(c) the extermination or destruction of any animal under the authority of any law for the time being in force; or

(d) any matter dealt with in Chapter IV; or

(e) the commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.”

10. The provision of the Act does not permit the cattle which have been subjected to cruelty to the owner thereof until a decision in the proceeding.

11. In such circumstances, I find no material to interfere in the impugned order.

12. Accordingly, **C.R.R. No. 279 of 2026** is **disposed of**.

(Md. Shabbar Rashidi, J.)