

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 1005 OF 2014

Goshala Panzarpol Sanstha
Malegaon Through Mahendra
Martand Kulkarni

.....Petitioner

V/s.

The State of Maharashtra and another

....Respondents

Mr. Kayval P. Shah for Petitioner
Mr. Chetan S. Damre for Respondent no. 2
Ms. A. A. Mane APP for the State

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : AUGUST 20, 2015.

PC :

Heard respective counsel.

- 2) Rule. Rule made returnable forthwith with the consent of the parties.
- 3) Respondent herein happens to be owner of the cattle. On 10/10/2013, police of Azad Nagar Police Station lodged a report that when he was on patrolling duty, he had come across four Tavera vehicles. Police had noticed the cattle were brutally tied at their legs. He had accosted the said vehicles. He had enquired with the drivers of the said vehicles and had learnt that cattle were being taken to slaughter house at Malegaon. That the police had

informed about it to the senior officers of Azad Nagar Police Station. After conducting the panchanama, vehicle was released. Cattle were lodged in Panzarpol Sanstha at Malegaon. Respondent herein had filed an application seeking custody of the said cattle i.e. an application seeking return of property. Owner of said cattle had contended that cattle were being taken for ssale to the agriculturist. Said application was allowed. Learned Magistrate had observed that owner of the cattle had produced the receipts of 10 cattle and the police had seized 12 cattle. Goshala who was custodian of the cattle at that relevant time had challenged the said order by filing Revision Application only to secure the safety of the said cattle. Additional Sessions Judge, vide order dated 17/02/2015 had rejected the said application thereby upholding the order passed by learned Magistrate handing over the custody to the respondent herein. Petitioner had filed present writ petition challenging the said order. This Court (Coram : Smt. Sadhana S. Jadhav, J.) by an order dated 13/03/2014 had granted interim relief in terms of prayer clause (b) which reads as follows:

“(b) Pending the hearing and final disposal of the present petition, this Hon'ble Court be pleased to stay the effect and implementation of the order dated 28/11/2013 passed by the learned Judicial Magistrate

First Class(Court No. 5), Malegaon in M. A. No. 777 of 2013.”

4) Respective counsel submit that Revision Application filed by present petitioner which is registered as Criminal Revision Application No. 113 of 2013 is pending before Sessions Court. Similarly, Enquiry Application filed by respondent is pending before Judicial Magistrate First Class. This Court had stayed the interim orders passed by learned Sessions Court. Application is still pending. It would be necessary to decide the Revision Application in the interest of justice and to decide the veracity of the claim raised by the respondent herein. In view of this, this Court is inclined to expedite the hearing of Revision Application No. 113 of 2013.

ORDER

- (i) Learned Sessions Judge at Malegaon shall decide the Revision Application No. 113 of 2013 by 30/10/2015.
- (ii) The interim relief granted in favour of petitioner vide order dated 13/03/2014 shall remain in force till the disposal of Revision Application No. 113 of 2013.
- (iii) Learned Sessions Judge shall not be influenced by the observations made vide order dated 13/03/2014 and shall decide the

Revision Application on its own merits.

(iv) Rule is made absolute in above terms.

(v) Writ petition stands disposed of.

(SMT. SADHANA S. JADHAV, J.)