

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 281 OF 2016

(SHRI KRISHNA GAUSEWA SANSTHA...VS..STATE OF MAH. THR. PSO PS BELA, NAGPUR & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : APRIL 07, 2016.

Heard Shri R.M.Daga, advocate for the applicant
and Shri A.D. Sonak, A.P.P. for the non-applicant.

The First Information Report is registered with
the respondent No.1 on 28th December, 2015 to the effect that
on 27th December, 2015 between 7.30 to 8.00 p.m., three
persons viz. Sk. Ibrahim, Tulshidas Mahure and Deelip
Wakade were taking 33 animals tied together and on being
asked, they informed that they were carrying the animals for
slaughter. The animals were seized.

The petitioner filed an application before the
learned Magistrate for custody of the animals on supratnama.
The learned Magistrate rejected this application by the order
dated 30th March, 2016. The respondent No.2 filed an
application seeking custody of 17 animals on supratnama.
This application is allowed by the learned Magistrate by order
dated 30th March, 2016. The petitioner-Sanstha, being
aggrieved by this order has filed this petition.

The impugned order is purely interlocutory in nature. Apart from this, in my view, the petitioner-Sanstha cannot be said to be the aggrieved party in this matter as the ownership of the respondent No.2 in respect of 17 animals is not being disputed, as per the averments made in the First Information Report.

The learned A.P.P. has not been able to point out from the documents filed on record that the respondent No.2 is charged of any offence of having custody of animals illegally and which are not owned by him.

In view of the above, I see no reason to entertain the petition.

The petition is **dismissed**.

JUDGE