

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.364 of 2018

* Shaikh Najir Shaikh Umar,
Age 50 years,
Occupation : Business,
R/o Phulambri, Taluka Phulambri,
District Aurangabad. **.. Applicant.**

Versus

- 1) The State of Maharashtra,
Through Investigation Officer
Phulambri Police Station,
Taluka Phulambri,
District Aurangabad.
- 2) Ganesh s/o Trimbak Raut,
Age 28 years,
Occupation: Service,
R/o. Phulambri Police Station,
Taluka Phulambri,
District Aurangabad. **.. Respondents.**

Shri. Ravindra V. Gore, Advocate, for applicant.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for
respondent Nos.1 and 2.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 21 JUNE 2018

JUDGMENT (Per T.V. Nalawade, J.):

- 1) Rule, rule made returnable forthwith. By
consent, heard both sides for final disposal.

2) The proceeding is filed under section 482 of the Code of Criminal Procedure for quashing of the F.I.R. No.19/2018 registered with Phulambri Police Station, District Aurangabad for offence punishable under sections 5C, 9A of the Maharashtra Animal Preservation Act, 1995 and section 109 of the Indian Penal Code.

3) The crime is registered on the basis of report given by P.S.I. of Phulambri Police Station. On 17-1-2018 truck bearing No.WB-11-D-5086 was intercepted and when the contents of the truck were examined, police of Local Crime Branch noticed that there was raw skin of cattle in the truck. It was skin of around 1000 cattle and mostly of cows and bullocks. The truck was taken in possession by the P.S.I. of Local Crime Branch and it was handed over to Phulambri police. On the basis of further investigation, the P.S.I. of Phulambri Police Station gave report. The police papers show that value of the skin is shown as Rs.7.12 lakh and there is allegation that the skin was cows and bullocks (Raw Bovine Hide). The record shows that as per the order of the Court of Judicial Magistrate First Class, direction was given subsequently

of handing over both the truck and the skin to the owner and it is returned.

4) The proceeding is filed on the ground that there was no contravention of provisions of the aforesaid special enactment. The learned counsel for the applicant took this Court through relevant provisions of the Act and submitted that the raw skin of cattle is not covered under the aforesaid Act. Learned counsel for the applicant submitted that this Court had occasion to consider similar case and this Court has held that the skin is not covered under the provisions of aforesaid Act. Copies of the decisions given by this Court in **Criminal Application No.148/2017** (*Abdul Hafeez v. State of Maharashtra*) at Nagpur Bench and **Criminal Application No.664/2016** (*Israrul Haq v. State of Maharashtra*) at Nagpur Bench are produced. This Court has considered the provisions of the Act including the aforesaid provisions and this Court has held that for the possession of skin of dead animals there is no prohibition. By making such observations the F.I.R. was quashed in those proceedings. This Court holds that no different view is possible in the present matter also.

So, the application is allowed. Relief is granted in terms of prayer clause (B). Rule is made absolute in those terms.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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