

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

**CRI. CONTEMPT PETITION NO.2 OF 2019**

(MOHD. MUNTJIM MOHD. MURASLIM & ORS...VS.. I.O. RAVINDRA MHASKAR & ANR.)

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

Smt. S.W. Deshpande, Advocate for Petitioners.  
Shri M.K.Pathan, A.P.P. for Respondent /State.  
Shri Anand Parchure, Advocate for Respondent No.2.

**CORAM : Z.A.HAQ AND**  
**PUSHPA V. GANEDIWALA, JJ.**

**DATED : SEPTEMBER 20, 2019.**

Heard.

2. This petition under Section 15 of the Contempt of Courts Act is filed by the petitioners complaining that the order passed by the learned Judicial Magistrate First Class on 10<sup>th</sup> May 2019 directing that the custody of the bullocks in question be handed over to the petitioners on supratnama, is not complied with.

3. Various submissions are made by the respective parties. The learned Advocate for the respondent No.2 has also raised the issue about maintainability of this contempt petition on the ground that it is filed directly without seeking consent of the Advocate General. The learned Advocate for the petitioners has pointed out that an application seeking consent of the Advocate General is moved by the petitioners on 6<sup>th</sup> June 2019, before filing this contempt petition, however, it is not yet considered and decided and looking to

the nature of the dispute and the urgency in the matter, this contempt petition is moved before this Court.

4. At the time of hearing, the judgment delivered by learned Single Judge of this Court in the case of *Sarvodaya Goshala Charitable Trust Vs. State of Maharashtra*, reported in **2015 ALL MR (Cri) 2599** was pointed out, in which this Court has considered the provisions of Rules 47 and 56 of the Transport of Animals Rules 1978. In this judgment, the person who sought custody of the animals was directed to pay maintenance charges of Rs.125/- per day per animal.

5. In the present case, the learned Magistrate while directing release of bullocks on supratnama directed the petitioners to pay necessary expenditure to the concerned Cattle Pond.

After examining the dispute, we propose to pass order on the same lines as passed in the case of *Sarvodaya Goshala Charitable Trust* (referred above).

6. Another issue which arose at the time of hearing was that the amount of maintenance should be paid for what period. The petitioners claim that after the learned Magistrate passed orders on 10<sup>th</sup> May 2019 directing release of bullocks on Supratnama, they approached the respondent No.2 along with Investigating Officer on 10<sup>th</sup> May 2019 itself, however, the respondent No.2 blatantly refused to release the bullocks. This fact is disputed by the respondent No.2. It is submitted on behalf of the respondent No.2 that the petitioners never offered to pay the amount of expenditure as per Rules and as

per the order passed by the learned Judicial Magistrate First Class.

7. Considering the above facts and with intention to give quietus to the dispute, in our view, following order would serve the purpose:

- i) The petitioners shall deposit amount of expenditure with respondent No.2 @ Rs.125/- per day per Bull from 23<sup>rd</sup> April 2019 (i.e. the date on which the bullocks were handed over to the respondent No.2) till 14<sup>th</sup> June 2019 (on which date this contempt petition is filed). This amount shall be deposited till 30<sup>th</sup> September 2019.
- ii) On deposit of the amount, the respondent No.2 shall release the 28 bullocks which are presently in custody of the respondent No.2.

The Criminal Contempt Petition is **disposed** in the above terms.

**JUDGE**

**JUDGE**