

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 28 OF 2016

Goushala Pashupalan Bahu-uddeshiya Sanstha,
Nagpur having its registered office at Bezanbag,
Nagpur (Public Trust No.F-25107 (Nagpur)),
and workplace at Bidgaon, Tahsil-Kamptee,
District – Nagpur ,through its President
Shri Munna s/o Kamlaprasad Shukla,
Aged about 44 years, Occupation – Private,
R/o Plot No.5/B, Bezanbag, Nagpur.

.... **PETITIONER**

VERSUS

- 1) State of Maharashtra,
through P.S.O., P.S. Yashodhara Nagar,
District Nagpur.
- 2) Sheikh Rahman s/o Sheikh Abdul Qureshi,
Aged about 65 years, Occupation – Business,
R/o Azad Nagar, Teka Nai Basti, Near
Salim Hotel, Nagpur-17.

.... **RESPONDENTS**

Mr. R.M. Daga, Counsel for the petitioner,
Mrs. Kalyani Deshpande, Addl.PP for respondent 1/State,
None for respondent 2.

CORAM : ROHIT B. DEO, J.
DATED : 17th JUNE 2021

ORAL JUDGMENT :

The challenge is to the common order dated 29-12-2015
rendered by the Judicial Magistrate First Class, Court 7, Nagpur in

Miscellaneous Criminal Application 5033/2015 and Miscellaneous Criminal Application 5042/2015. Miscellaneous Criminal Application 5033/2015 was preferred by the petitioner herein seeking the custody of the cattle seized in Crime 3289/2015 registered at Police Station Yashodhara Nagar, Nagpur under Sections 3, 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, Sections 6 and 9 of the Maharashtra Animal Preservation Act, 1976 and Section 83 of the Motor Vehicles Act, 1988.

2. Miscellaneous Criminal Application 5042/2015 was preferred for similar relief by respondent 2 herein.

3. By the common order impugned, while the application preferred by the petitioner came to be rejected, the application preferred by respondent 2 was allowed.

4. Mr. R.M. Daga, learned Counsel has made a strenuous effort to persuade me to hold that the learned Magistrate committed a serious error in handing over the custody of the 17 cattle to respondent 2.

5. However, this Court finds that the crime is registered in the year 2015. This petition is pending since then and admittedly the custody

of the cattle was not with the petitioner. It is not clear whether the trial has concluded or is still pending. In this view of the matter, this petition can be disposed of by the following order.

i) If the proceedings in Crime 3289/2015 is pending, the trial Court shall finally disposed of the said case as expeditiously as possible and in any event within six months.

ii) It is made clear that the common order impugned is not tested on merits.

6. The petition is disposed of in the aforestated terms.

JUDGE

adgokar