



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

CRIMINAL WRIT PETITION NO. 333 OF 2024

Dhyan Foundation Govardhan Govansh Seva va Anusandhan Kendra
Vs.
The State of Maharashtra and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Raju Gupta, Advocate for petitioner.
Ms. Hemlata Dhande, APP for respondent no. 1/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 16.04.2024

Heard.

2. The petitioner- a Trust challenges the order dated 10.04.2024 passed by the learned Judicial Magistrate First Class, Deori, District Gondia in Cri. Misc. Application No. 19/2024, thereby allowing the application of the applicant/accused by directing the Police to hand over temporary custody of the animals seized in Crime No. 89/2024 for the offence punishable under Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960 r/w. Sections 5A and 9 of the Maharashtra Animal Preservation Act, 1976 (for short, "the Act of 1976").

3. The contention is that as per proviso to Section 8 of the Act of 1976, the seized animals shall be handed over to the nearest Gosadan, Goshala, Panjrapole,

Hinsa Nivaran Sangh or such other Animal Welfare Organization willing to accept such custody. The further contention is that the Police had given temporary custody of the animals to the petitioner but, in the wake of the impugned order, which is against proviso to Section 8 of the Act of 1976, the Police is now insisting to hand over the custody of the animals to the accused as per directions contained in the impugned order.

4. Issue notice to the respondents, returnable on 24.04.2024.

5. The learned APP waives service of notice for respondent no. 1/State.

6. The effect and operation of the impugned order is stayed till the next date of hearing.

(M. W. CHANDWANI, J.)