



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

CRIMINAL WRIT PETITION NO. 965 OF 2025

Shri Dattaprabhau Gauseva Dham
Having Gaushala Through Its Authorized
Representative Sham Baliram Shelake .. Petitioner

Versus

The State Of Maharashtra And Another .. Respondents

Mr. Amol N. Patale, Advocate for the Petitioner.
Smt. M. N. Ghanekar, APP for Respondent No. 1.
Mr. Z. H. Farooqui, Advocate for Respondent No. 2.

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CORAM : KISHORE C. SANT, J.

DATE : 25th JULY, 2025.

PER COURT :-

. Heard learned advocate for the petitioners, learned A.P.P.

and learned advocate for the respondent No. 2.

2. The petitioners are challenging an order passed by the learned Additional Sessions Judge, Gangapur dated 30.06.2025 thereby dismissing the revision application of the present petitioners who happens to be an organization running Goshala. The respondent No. 1 is the State. The respondent No. 2 is a person from whose possession the cattle in question are seized and are taken in possession in view of offence registered against him under the provisions of Prevention of Cruelty to Animals Act. One Chand Gulab Sayyad working as Police Constable lodged FIR with Police Station MIDC Waluj. He lodged the FIR stating that, he received secret information that there are cattles in the field of respondent No. 2 in his cattle shed kept for the purpose of slaughter. On that, Police party was formed. They went to the field of the respondent No. 2. They found seven cattles from the cow family. On asking respondent No. 2 he told that the animals are for commercial purpose, however, he could not submit any document to show that he deals with the animals or is in the business dealing in the animals. It is further alleged that, within few days there was Bakri Eid and therefore, it was inferred that

the cattle must be for the purpose of Kurbanī. The animals came to be seized and the FIR was lodged. The respondent No. 2 filed an application bearing Criminal M.A. No. 95/2025 in the Court of learned J.M.F.C., Gangapur. The learned J.M.F.C., Gangapur by his order dated 21.06.2025 allowed the application and directed to hand over custody to respondent No. 2 i.e. one ox, five calf and one cow as described in the application. Total seven animals in his case were directed to be handed over. This order came to be challenged by the present petitioners by filing Criminal Revision Application Nos. 45/2025 and 46/2025 in the Court of learned Sessions Judge, Gangapur. The learned Sessions Judge by impugned order dated 30.06.2025 rejected the revision application. The petitioners are thus before this Court.

3. The learned advocate for the petitioners vehemently argued that, the learned Sessions Judge failed to appreciate that the cattles were tied in the cattle shed and those were for the purpose of slaughter as the Bakri Eid was coming. Both the Courts below failed to appreciate this case in proper perspective and erred in passing the impugned order.

4. The learned A.P.P for the State prays for passing appropriate order.

5. The learned advocate for respondent No. 2 vehemently argued that, there is no sufficient material available with the petitioners to show that the animals were kept for the purpose of slaughter. The respondent No. 2 happens to be a person dealing in the business of selling and purchasing of the cattle. He submits that, the respondent is an agriculturist. He has produced on record the receipts of purchase of cattle. He has big cattle shed sufficient to accommodate the animals. He produced on record 7/12 extract to show that he is an agriculturist. He further submits that, the prosecution could not produce any sufficient material to show that the cattle were kept for the purpose of slaughter. A positive proof was required. He relies upon the judgment in the case of **Govansh Raksha Samiti Goshala Vs. State of Maharashtra and others** reported in **2023 SCC Online (Bombay) 1029**. He thus prays for rejection of the petitions.

6. The learned advocate for the petitioners submits that, though the receipts of purchase of cattle are produced, those

receipts do not bear any stamp. The dates of purchase are also different. He submits that the said could not have been considered by the learned Trial Court and the learned Sessions Judge.

7. This Court has heard the parties. The learned Sessions Judge while deciding the revision dealt with submissions of receipts of purchase of cattle and passed an order. It is considered that, the prosecution observed that, complaint is lodged under Sections 5A and 5B of the Maharashtra Animal Preservation Act which deals with the provision regarding prohibition on transport and export of cattle for slaughter and prohibition on sale, purchase and disposal in other manner of the said cattle. It is considered that, in the present case it is not found that the animals were being transported. The Court thus held that Sections 5A and 5B are not applicable in the present case. It is further considered that, the allegation was under Section 11 (f) of the Prevention of Cruelty to Animals Act where it provides that to keep the animal for unreasonably time in chained or tethered upon for unreasonably short or unreasonably head chain or cord, it can be said to be cruelty to animals. The Court thus recorded that, no case is made

out even of cruelty to animals and passed an order.

8. This Court finds that, in the present case, the prosecution has failed to positively show that the cattle were being transported. Admittedly, this is not a case that the animals were being transported. It is also not a case that the cattle were kept in cruel condition as provided under Section 11 (1) (f) of the Prevention of Cruelty to Animals Act. This Court does not find any reason to interfere with the order. Both the criminal writ petitions, therefore, stand dismissed.

9. Needless to say that, the respondent No. 2 shall strictly adhere of the conditions imposed by the learned Magistrate while passing an order.

(KISHORE C. SANT, J.)

RS.B.