

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3240 OF 2024

Shaikh Aslam Shaikh Nawab

...Petitioner

Vs.

The State of Maharashtra

...Respondent

Mr. Mahendra N. Sandhyanshiv	Advocate for the Petitioner
Mr. H. J. Dedhia	APP for the Respondent-State
PSI Koli	Malegaon Police Station

CORAM : S. M. MODAK, J.

DATE : 11th AUGUST 2025

P. C. :-

1. Heard learned Advocate for the Petitioner and learned APP.
2. The Petitioner claims to be owner of MAXX pickup vehicle i.e. Mahindra and Mahindra bearing Registration No. MH-41-G-1817, which was seized by the Azadnagar Police Station, Nashik in an offence bearing C.R. No. 158 of 2022. It is under Sections 5, 5-A, 9 and 11 of the Maharashtra Animals Protection Act, 1991 and under Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960.

3. The vehicle was seized on the allegations that it was used for transporting the animals. He applied for its return before the Court of the JMFC, Malegaon. However, it was rejected on 15.12.2022. The only ground is the Petitioner was not possessing the registration certificate which is valid. At that time, it was valid upto 28th September 2021 and vehicle was seized on 20.11.2022 (page no. 16). The Revisional Court also dismissed the revision also for the same reason (Page no. 24).

4. The prayer was not rejected just because vehicle was used while transporting the animals, the prayer was not rejected because there are offences registered against this Petitioner, the prayer was not rejected because it is the Petitioner who are transporting the animals by breaching the provision of the relevant laws. If there is no valid registration certificate, a direction can be given to register the vehicle with Motor Vehicles department. That cannot be ground for rejecting the request for its return.

5. Learned APP submitted that let an undertaking be given by the Petitioner that he will not sale or transport the vehicle during pendency of the case. He is right because the vehicle is piece of the evidence. The

interest of the prosecution can be protected by imposing certain conditions. Hence, the order:-

ORDER

- (i) Writ Petition is allowed.
- (ii) The orders passed by the Addl. Chief Judicial Magistrate, Malegaon dated 15.12.2022 and Additional Sessions Judge, Malegaon dated 09.01.2023 are quashed and set aside.
- (iii) The seized vehicle no. MH-41-G-1817 be returned to the Petitioner subject to the following conditions:-
 - (a) on furnishing an undertaking that after its return, he will register the vehicle with the local regional transport office and produce the necessary documents before the Malegaon Court of the Chief Judicial Magistrate at the earliest.
 - (b) Let there be an entry in the record of the revisional transport office that vehicle is seized during the investigation of Malegaon Crime No. 158 of 2022.

(c) The Petitioner is directed to take photographs of this vehicle and produce it to the Court alongwith certificate.

6. With these observations, the Writ Petition is disposed of.

[S. M. MODAK, J.]