



Judgment

43-Cr.WP-656-2025

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

CRIMINAL WRIT PETITION NO. 656 OF 2025

...

Mohammad Mudassir Abdul Bashir Qureshi,
Age : 30 Years, Occu.: Business,
R/o. Machhli Market, Kagzipura,
Akola, Dist. Akola – 444001.

... **PETITIONER**

- - V E R S U S - -

State of Maharashtra,
Through the Police Station Officer,
Ramdaspeth, Police Station Akola.

... **RESPONDENT**

Mr. N.Qureshi, Advocate for the Petitioner.

Mr. B.M. Lonare, A.P.P. for the Respondent/State.

CORAM : M.M. NERLIKAR, J.

DATE : OCTOBER 08, 2025.

ORAL JUDGMENT :

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Rule. Rule made returnable forthwith. Heard finally with the consent of learned counsel for the parties.

2. Leave to amend. Amendment shall be carried out forthwith.

3. The present petition is filed under Articles 226 and 227 of the Constitution of India, challenging the order passed by the Judicial Magistrate First Class (Court No. 2), Akola dated 30/06/2022, and the judgment dated 18/10/2022 passed in Criminal Revision No. 143/2022 by the Additional Sessions Judge, Akola. By the order dated 30/06/2022, the application filed by the petitioner for release of his vehicle was rejected by the Judicial Magistrate First Class (Court No. 2), Akola. The revision filed by the petitioner was also rejected. Without entering into the issue of maintainability of the revision, the present petition can be decided on the basis of the facts and circumstances of the case. It appears that a First Information Report came to be registered against the petitioner for the

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offence punishable under Section 11 of the Prevention of Cruelty to Animals Act, 1960, and Sections 9, 5-A, and 5-B of the Maharashtra Animal Preservation Act, 1995.

4. The allegations are that the petitioner is the owner of the vehicle. It is further alleged that cattle were being transported in the said vehicle. The police intercepted the vehicle and found that it contained nine animals, allegedly being transported for slaughter. Accordingly, a First Information Report was registered. The petitioner filed an application under Section 457 of the Code of Criminal Procedure, which came to be rejected on two grounds: firstly, that earlier, Crime No. 461/2020 had also been registered against the petitioner for a similar offence, and secondly, when the same vehicle was released in connection with the earlier offence, the petitioner had breached the conditions imposed at the time of the release.

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5. I have heard the learned counsel for the petitioner. He submits that the petitioner is not a habitual offender. If the vehicle is not released, no purpose will be served and the petition will incur huge losses. He places reliance on the oral judgment of this Court in Criminal Writ Petition No. 1177/2018, in the case of *Abdul Majid Abdul Hamid Qureshi vs. State of Maharashtra*, decided on 11/03/2019.

6. On the other hand, the learned A.P.P. submits that the petitioner is a habitual offender and that this is the second offence registered against him. He further submits that the offence is of a serious nature, involving cruelty to animals. If the vehicle is released, there is every likelihood that it may again be used for transportation of animals. Both the Courts below have rightly passed the orders, and therefore, no interference is warranted. Accordingly, he prays for rejection of the application.

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7. I have considered the rival submissions. It appears that the vehicle was seized on 21/05/2022, and nearly three years have passed since then. No doubt, in the year 2020, the same vehicle was seized in connection with another offence and was released upon imposition of certain terms and conditions. It is also true that the petitioner breached those conditions. However, it cannot be ignored that it is in no one's interest for the vehicle to remain idle and deteriorate due to prolonged non-use. I am, therefore, of the considered view that the vehicle bearing Registration No. MH-30-BD-2789 is required to be released, subject to appropriate conditions. Hence, the following order:

ORDER

- (i) The Criminal Writ Petition is **allowed**;
- (ii) The vehicle, Tata Intra V20 BS-IV, bearing Registration No. MH-30-BD-2789, Chassis No. MAT535067KYE12170, and Engine No.

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1400DIO1EPYS77935, shall be released, and custody shall be handed over to the present petitioner;

(iii) The petitioner shall submit an undertaking before the Trial Court stating that:

- He shall produce the said vehicle as and when required during the course of the trial;
- He shall not alter or modify the structure of the said vehicle;
- He shall not use the vehicle for any illegal activity or for committing any offence under Section 11 of the Prevention of Cruelty to Animals Act, 1960;
- He shall not sell, transfer, or create any third-party interest in respect of the said vehicle until the conclusion of the trial;

(iv) The petitioner shall deposit a sum of Rs. 1,00,000/- with the Court below towards the care and

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maintenance of the animals seized from the petitioner's vehicle. Upon such deposit, the vehicle shall be released to the petitioner;

- (v) Rule is made absolute in above terms.

[**M. M. NERLIKAR, J**]