Supp. Cause List-1
Serial No. 71

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 860/2026
CrlM No. 1547/2026

Rukhsana Khan, Age years, …..Petitioner(s)
W/O Sataj Khan,
R/O Narwal Bala,
Mohalla Meharpur, Near Kiryani Talab,
Jammu

Through: Mr. Tarun Sharma, Advocate.

Vs

Union Territory of Jammu & Kashmir through ….. Respondent(s)
SHO/In Charge Raj Bagh.

Through: Mr. Suneel Malhotra, GA.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER
(18.08.2026)

1. The petitioner, through the medium of present petition, has challenged order dated 30.06.2025 passed by the court of learned Judicial Magistrate (Munsiff), Kathua in case No. 289/2025 titled ***"Rukhsana Khan Vs. UT of J&K"*** whereby the application moved by the applicant for release of vehicle bearing registration No. JK02CT-0788 was allowed, subject to certain conditions, including the condition that the applicant shall deposit a sum of Rs. 81,400/- with Gaushala Keeriyan Ganndyal towards the expenses incurred on the care, transport and feeding of 10 seized animals in terms of Rule 5 of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.

2. Learned counsel for the petitioner submits that it is not forthcoming from the order as to how the aforesaid amount has been assessed/fixed by learned Magistrate, without adhering to the provisions of Rule 5 of the Rules 2017 (supra), in its letter and spirit.

3. Learned counsel for the respondent-State has also fairly conceded the submission made by learned counsel for the petitioner that the learned Magistrate seems to have not complied with the provisions of Rule 5 of Rules 2017 (supra), while determining the amount payable in respect of the transport, maintenance and treatment of the seized animals.

4. It is submitted that such assessment is required to be made on the basis of inputs furnished by the jurisdictional Veterinary Officer and in accordance with the procedure prescribed under the said Rule.

5. In this backdrop, the matter requires to be revisited by learned Magistrate, in accordance with the applicable rules. It also appears that the learned Magistrate, while passing the impugned order, has not discussed any reasons as to how the aforesaid amount has been assessed to be recovered from the owner of the seized vehicle.

6. Viewed thus, the petition is allowed and the impugned order dated 30.06.2025 is set aside and the matter is remanded back to learned Magistrate for reconsideration and fresh decision, in accordance with law and the applicable Rules, of course, after hearing both the parties. The application may be disposed of within a period of two weeks from the date a copy of this order is received.

7. Disposed of, accordingly, alongwith connected application(s).

(M A CHOWDHARY)
JUDGE

JAMMU
18.08.2026
Shivalee

Shivalee Khajuria
2026.08.18 17:27
I attest to the accuracy and
integrity of this document