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

**1007 CRIMINAL WRIT PETITION NO. 419 OF 2026**

SOUDAGAR NISAR MURTUJA
*VERSUS*
THE STATE OF MAHARASHTRA
…..
Mr T. M. Venjane, Advocate for Petitioner
Mr C. V. Bhadane, APP for Respondent/State
…..

**CORAM : SUSHIL M. GHODESWAR, J.**

**DATE : 27th OCTOBER, 2026**

**P. C. :**

1. Heard learned Advocate Mr Venjane for the applicant and the learned APP for the respondent/State.

2. By this criminal writ petition, the petitioner seeks quashing and setting aside the condition No.3 of the impugned order dated 01/03/2025, passed by the learned Judicial Magistrate First Class, Nilanga, Dist. Latur in Criminal M.A. No.07/2025.

3. The FIR bearing Crime No.0296/2024 was lodged by the informant/Head Constable namely, Bapusaheb Kondiba Mantalwad with the Kasar Shirshi Police Station, Dist. Latur for the offence punishable under Sections 5A(1), 5A(2) of the Maharashtra Animal

Preservation Act, 1976 and under Sections 9, 11(1)(d), 11(1)(e), 11(1)(f), 11(1)(h) and 11(1)(k) of the Prevention of Cruelty to Animals Act, 1960 against the driver of vehicle, namely, Mujahid Nijamoddin Patel. The present applicant is the owner of the said vehicle, which was seized by the Investigating Officer in the said crime.

4. It is alleged in the report that, while on patrol, on 24/12/2024 at 09.30 p.m., upon a secret information, the informant with other three Police Constables intercepted one Eicher bearing No. MH-13-AX-2380. They stopped the said Eicher and found that some animals were being transported for slaughter purpose on the road of Kasar Shirsi to Nilanga. They seized the said vehicle/Eicher alongwith the animals. They shifted the animals to Goshala on 25/12/2024.

5. The petitioner, being owner of said Eicher, filed Criminal M.A. No.07/2025 under Section 497 read with Section 503 of the BNSS, 2023 before the learned Judicial Magistrate First Class (JMFC), Nilanga, seeking interim of custody of said vehicle. After hearing the parties, the learned Judicial Magistrate First Class allowed the said application, however, in his order at the clause No.3 of the operative part, directed the petitioner to pay Rs.300/- per day per cattle towards the daily maintenance of seized animals from the date of seizure.

Hence, the petitioner is before this Court for quashing and setting aside the said clause No.3 of the operative part of the order dated 01/03/2025 passed in Criminal M.A. No.07/2025.

6. Learned Advocate for the petitioner submits that the applicant is registered owner of the seized Eicher vehicle and not a owner of the seized animals. He further submits that, at the relevant time, said vehicle was being driven by one Mujahid Nijamoddin Patel, which came to be intercepted by the police. He then submits that the petitioner filed proceedings for releasing the said vehicle. He also submits that the said Eicher vehicle is primary source of livelihood to the petitioner and is facing hardship without it, which is lying with the police station. He further submits that, though the learned JMFC has directed to release his vehicle, however, in the operative order of the learned JMFC at condition No.3, it was directed to him to pay Rs.300/- per day per cattle.

7. Learned Advocate for the petitioner further submits that there is no provision in the Act directing the owner of a vehicle to pay the expenses of maintaining the animal. Moreover, Rs.300/- per day per cattle as directed by the learned JMFC is also without any proper assessment as regards maintenance. He also submits that, as it is clear

on the face of record that he is not owner of cattles, he may not be directed to make payments towards maintenance of the cattle. He, therefore, prays for allowing the present writ petition.

8. Per contra, learned APP strongly opposes the instant petition. According to him, there is no error or illegality in the condition No.3, directing the petitioner to pay Rs.300/- per day per cattle maintenance charges towards animals. He further submits that the order passed by the JMFC directing the petitioner to pay maintenance towards animals is correct and proper. He, therefore prays for rejection of the instant petition.

9. After going through the submissions made by the learned Advocates for the respective parties and perusing the record available with the Court, it is clear that there is no dispute that the petitioner is a registered owner of the Eicher vehicle, which came to be intercepted by the police authority. It is also not disputed that the said vehicle was carrying certain animals/cattles. The said cattles were seized alongwith the vehicle. As per the report, the driver, namely, Mujahid Patel was taking the said cattles for slaughtering. The crime is registered against the said driver Mujahid Patel. Admittedly, present petitioner is not accused in the said crime. The petitioner is a

registered owner of the said vehicle. Leaned JMFC granted custody of the said vehicle to the petitioner, however, committed error by directing to pay maintenance charges of Rs.300/- per day per cattle. Looking to the contentions raised by the learned Advocate for the petitioner, I find that the direction as regards paying maintenance charges are uncalled for, and therefore, the instant petition deserves to be allowed. Hence, I pass the following order :-

**ORDER**

(I) The criminal writ petition is allowed.

(II) The condition Nos.3 and 4 of the operative part of the order dated 01/03/2025, passed by the learned Judicial Magistrate First Class, Nilanga in Criminal M.A. No.07/2025, is hereby quashed and set aside.

(III) The custody of Eicher bearing registration No.MH-13-AX-2380 be handed over to the petitioner, without insisting for payment, as directed as per the clause 3 of the operative part of the order dated 01/03/2025, passed by the learned Judicial Magistrate First Class, Nilanga in Criminal M.A. No.07/2025.

(IV) The petitioner is directed to execute a bond as per direction vide clause 2 of the operative order dated 01/03/2025, passed by the learned

Judicial Magistrate First Class, Nilanga within a period of one week from the date of uploading of this order.

**[SUSHIL M. GHODESWAR, J.]**

sjk