



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

CRIMINAL APPLICATION NO. 477 OF 2026

BHARABHA MANGUBHAI RABARI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Rathod h/f Mr. N. M. Deshpande

APP for Respondent No.1/State : Mr. D. J. Patil

Advocate for Respondent No.2 : Mr. Shrimant Mundhe

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 25th MARCH 2026

PER COURT :

1. Heard the learned Counsel for the Applicant Mr. Rathod, learned APP Mr. Patil for the State and the learned Counsel Mr. Mundhe for Respondent No.2.

2. The learned Counsel for the Applicant submits that the present application has been filed challenging the order passed by the learned Revisional Court granting stay to the order dated 12.01.2026 passed by the learned trial Court in Criminal M.A. No. 228/2025, deciding the application filed by the Applicant herein. The learned Counsel for the Applicant, Mr. Rathod, submits that the Revision filed by the Informant ought not to have been entertained, as the same was filed against an interim order. It is further submitted that a Criminal Revision is not maintainable against an interlocutory order. Therefore, the order granting stay to the order passed by the learned JMFC by entertaining the Revision Application is an order

which is a nullity in the eyes of law and shall therefore be set aside.

. The learned Counsel, Mr. Rathod, further submits that after the order dated 12.01.2026 passed by the learned Judicial Magistrate First Class, Shahada, granting interim custody of the seized 32 camels to the Applicant, the Investigating Officer of Shahada Police Station filed a closure report ('C' summary) before the concerned jurisdictional Magistrate. Though this fact was noted by the learned Revisional Court, the order of the learned JMFC granting interim custody was again stayed by the Revisional Court and the stay was continued thereafter from time to time. The learned Counsel therefore submits that this is a fit case for exercise of the extraordinary powers of this Court to quash and set aside the impugned order, which is a nullity in the eyes of law.

3. As against this, the learned Counsel for the Informant, Mr. Mundhe, submits that the FIR was filed against the Applicant on the allegations that the said camels were being taken for slaughtering purposes to Amravati. It is further alleged that acts of cruelty upon the animals were committed, and hence the learned Revisional Court rightly stayed the order granting interim custody to the Petitioner, who is an accused in the original FIR.

. The learned Counsel for the Complainant, however, fairly concedes that the police authority has finally filed a closure report in the said crime before the learned JMFC which is pending adjudication. He therefore submits that appropriate orders may be passed.

4. The learned APP has made available the investigation papers for the perusal of this Court. On the basis of the investigation papers the learned APP submits that after registration of the FIR, the fitness of the animals was examined by the concerned veterinary officer, and no marks regarding cruelty to animals was found in the medical check-up conducted by the said officer. Accordingly, after completion of the investigation, the Investigating Officer has filed a closure ('C' summary) report before the concerned jurisdictional Magistrate. He therefore submits that appropriate orders may be passed in the present petition.

5. After going through the investigation papers, it appears that the order dated 12.01.2026 passed by the learned J.M.F.C., Shahada, granting interim custody of 32 camels to the Applicant, was made prior to the filing of the closure report. Since the closure report is filed on 13.01.2026, thereby virtually discharging the Applicant of the said crime, the final order pertaining to the custody of the camels will have to be passed after hearing both the sides. The learned Counsel, Mr. Mundhe, submits that upon submission of the 'C' summary report, the Complainant has already been issued notice by the concerned Magistrate, and the matter is now fixed on 31.03.2026. Thus, since the closure report being filed in the present crime, I do not see any impediment in quashing and setting aside the revisional order passed by the Revisional Court, as the Revision itself would become infructuous, as the order challenged by the Informant in Revision dated 12.01.2026 granted only interim custody during

pendency of trial. Since the police has now filed closure report, the stage has come to pass final order either accepting or rejecting the 'C' summary . Moreover it could be seen that the 'C' summary is filed by the police as there was no evidence of the animals being subjected to cruelty by the Petitioner. The Committee formed in view of the Suo Moto Writ Petition also did not find any evidence of cruelty after 32 camels were examined by the veterinary Doctor.

6. It could be seen that the impugned stay order dated 20.01.2026 of the Revisional Court was passed after closure report is filed by the police. The subsequent order of stay dated 23.01.2026 in fact notes that the 'C' summary is filed, even then the stay is continued mechanically only on the ground of paucity of time and bulky nature of documents. The order of stay was not continued thereafter and was only limited till next date. Since the 32 camel's custody is already handed over to Petitioner, the interim custody order dated 12.01.2026 is already executed, the Revision has virtually become infructuous. Hence I am inclined to pass the following order :

ORDER

- (i) The application is allowed.
- (ii) The impugned orders dated 20.01.2026 and 23.01.2026 passed by the learned Additional Sessions Judge, Shahada in Criminal Revision Application No.8/2026 are hereby quashed and set aside.

(iii) The learned Judicial Magistrate First Class, Shahada, is directed to hear the Applicant as well as the Complainant upon the closure report and take a decision to accept or reject the summary on its own merits and thereafter pass a final order pertaining to the disposal of property/custody of the camels under Section 498 of the BNSS, without being influenced by any observations made by this Court in the present application, within a period of eight weeks from receipt of the order.

(iv) The application is allowed and disposed of in aforesaid terms.

MEHROZ K. PATHAN
JUDGE

NATJEES..