

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

CRIMINAL WRIT PETITION NO.515 OF 2024

Dhyan Foundation Garada Gaushala ..vs.. State of Maharashtra

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri R.R. Gupta, Advocate for petitioners.
 Shri A.M. Joshi, APP for the State.
 None for respondent no.2.

CORAM: M.M. NERLIKAR, J.
DATE : 06/01/2026.

Heard.

2. By way of present petition, the petitioner is challenging the order passed by the Judicial Magistrate First Class, Dhanora on 19.06.2024, wherein the learned Magistrate was pleased to allow the application of present respondent no.2 directing to release cattle seized in Crime No.3003/2024 in favour of present respondent no.2 on certain terms and conditions. One of the condition i.e. condition no.3(E) of the impugned order reads as under :

“3(E) The applicant shall bear the cost incurred by the Trust for care and maintenance of the cattle and shall pay at the rate of Rs.200/- per day per animal.”

3. Learned Counsel for the petitioner submits that respondent no.2 herein has neither appeared in the present proceedings nor deposited the amount as was directed vide impugned order. Considering this fact, he submits that it appears that present respondent no. 2 is not interested in getting the cattle release as per direction of the learned JMFC. He further submits that at

present, he may be permitted to withdraw the present petitions with liberty to challenge the impugned order as and when the occasion arises.

4. Considering the above facts and circumstances of the case and considering the fact that the respondent no.2 has not complied with condition no.3(E) of the impugned order dated 19.06.2024, in my opinion the submission made by the petitioner needs to be accepted.

5. In view of the above, permission is granted.

6. The petition stands disposed of as withdrawn with liberty as prayed for.

(M.M. NERLIKAR, J.)

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