



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

CRIMINAL WRIT PETITION NO. 149 OF 2026

Balyogi Sant Shree Mangalamata Charitable Trust

-- VERSUS --

The State of Maharashtra and Another

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

Court's or Judge's orders.

Mr. K.S. Motwani, Advocate a/w Raju Gupta, Advocate
(Through V.C.) for the Petitioner.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 24, 2026.

Not on Board. Taken on board.

2. The matter was mentioned in the morning session stating that the Revisional Court is not available, and therefore, the present petition is presented by the petitioner by making following prayers:-

"i) call for the record and proceeding concerning impugned order dated 12/02/2026 passed by Ld. 2. Addl. Sessions Court, Achalpur (in-charge) in Cri. Rev. Application No. 03/26 and impugned order dated 05/02/2026 passed by the Ld. Judicial Magistrate First Class, Chandur Bazar in O.M.C.A. No.42/2026 and may be further pleased to quash and set aside the same;

ii) pending the hearing and final disposal of the present petition, this Hon'ble Court may be pleased to stay execution, implementation and

effect of the impugned order dated 05/02/2026 passed by the Ld. Judicial Magistrate First Class, Chandur Bazar in O.M.C.A No.42/2026;

iii) that this Hon'ble Court be pleased to direct the Ld. Addl. Sessions Court to decide the stay application filed by the petitioner before the Ld. Addl. Sessions Court within the period of 1 week.

iv) interim and ad-interim reliefs in terms of prayer (ii) and (iii) above be granted;"

3. The learned counsel appearing for the petitioner again mentioned the matter in the afternoon session at 02:30 p.m., and therefore, I have taken up the matter. The learned counsel appearing for the petitioner vehemently argued for grant of stay to the impugned order dated 05/02/2026 passed by the learned Judicial Magistrate First Class, Chandur Bazar, District Amravati, wherein interim custody of seized 03 animals and 1 calf was handed over to the applicant therein named Mustak Kha Ibrahim Kha on execution of supurtnama bond of Rs.1,00,000/- (in words one lakhs Rupees only) on certain terms and conditions.

4. The learned counsel submits that the matter was listed before the learned District Judge-1, on yesterday's board. Yesterday, when the matter was listed, the appellant and respondent No.1 through Advocates were present, however, respondent No.2

was absent. Further, say of respondent No.2 was not filed. Therefore, the case was adjourned for 04/03/2026 for hearing on Exh.5. He further invited my attention to the *roznama*.

5. The learned counsel appearing for the petitioner submits that he has filed the Revision on 09/02/2026 and the Revision was listed on 12/02/2026, and accordingly, notice was issued to the respondent for hearing on Exh.5 and the matter was kept on 13/02/2026. On 13/02/2026, notice was awaited. Again on 17/02/2026, notice was awaited and on 20/02/2026, notice was served, and accordingly, the advocate for respondent filed the memo of appearance, and accordingly, it was adjourned to 23/02/2026. Again on 23/02/2026, the Advocate for respondent No.1 as well as the Advocate for the appellant were present, however, the say was not filed, and accordingly, matter was adjourned to 04/03/2026. Therefore, he submits that considering the urgency, the Revisional Court ought to have decided Exh.5. However, Court is adjourning the matter without any reason.

6. Now the learned counsel appearing for the petitioner submits that as the Revisional Court has not decided the application at Exh.5, therefore, the present petition was filed for the reliefs which are referred *supra*.

7. I have considered submissions. When already notices are issued to respondent, and respondent has appeared, and accordingly, sought time for filing say, I do not find any error was committed by the Revisional Court.

8. It is to be noted that a circulation was sought in the morning before this Court, on the ground that the Court is not available, therefore, this Court had asked the Registrar (Judicial) to enquire about the availability of the Court. It was orally informed by the Registrar (Judicial) that the Court is available and the matter was on yesterday's board, and accordingly, it was posted on 04/03/2026, however, in the morning session, this fact was not disclosed by the counsel and on the contrary a statement was made that the Court is not available. Apart from this, when the proceedings are going on before the Revisional Court, it is not proper on the part of this Court to consider the petition.

The learned counsel further submits that the Police Authorities are insisting for execution of the order passed by the Magistrate. In fact, even if the order passed by the Magistrate to hand over interim custody is executed and in the event if the Revisional Court reverse the findings of the Magistrate, then automatically the cattles or the

animals whose custody have been directed to be handed over to the applicant therein would come to the present petitioner.

9. Further, perusal of the prayer clause No. (i), it was prayed that the impugned order dated 12/02/2026 passed by the learned 2nd Additional Sessions Court, Achalpur, (in-charge) in Criminal Revision Application No.03/2026 and also the impugned order dated 05/02/2026 passed by the learned Judicial Magistrate First Class, Chandur Bazar, in O.M.C.A. No. 42/2026 may be quashed and set aside. So far as the impugned order dated 12/02/2026 is concerned, that order is in respect of issuance of notice on Exh.1 as well as Exh.5. I am surprised that how the petitioner can challenge the said order of issuance of notice to respondent. Therefore, this is nothing but an abuse of process of law. It is the cardinal principle of law, that principles of natural justice will have to be followed and while considering the same the Court has issued notice to the respondent and therefore I do not find any error. Further, even the impugned order dated 05/02/2026 passed by the learned Judicial Magistrate First Class, Chandur Bazar, is also under challenge in this petition, as the Revision is pending before the Revisional Court, I decline to interfere in the said impugned order. In fact, this is a fit case, wherein

heavy cost could have been imposed, however, considering the fact that the petitioner is a charitable trust and working for welfare of animals, I refrain myself from imposing costs. Hence, the petition is **dismissed.**

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN