

29.07.2026

Serial no. 46

Court no. 9

(S. A.)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction
Appellate Side

C.R.R. No. 259 of 2026

In the matter of : **Md. Jamal**

... .. Petitioner

Mr. Biswarup Roy, Advocate

... .. *For the Petitioner*

Mr. Avrojoyti Das, Ld. A.P.P.

Mr. Debanjan Das, Advocate

Ms. Baishali Chakrabarty, Advcoate

... .. *for the State*

1. The instant revisional application has been filed by the petitioner.

2. It is submitted by the petitioner that some cattle were seized by police on December 24, 2025, while the cattle were being transported illegally. 43 numbers of cattle were found in a vehicle and were taken into custody by the police. There was an allegation of cruelty to animal. After the cattle were seized, a case was started.

The present petitioner was put in custody of the 43 numbers of cattle recovered by police for the purpose of care and protection of livestock. The petitioner was taking care of the cattle since it was given into his custody and invested huge amount of money on such maintenance. The petitioner is aggrieved by an order passed by learned Additional Chief Judicial Magistrate, Siliguri on June 11, 2026 passed in connection with the petition No. 5839 of 2025.

3. By such order, the 43 numbers of cattle which were lying in the care and custody of the present petitioner were handed over to one Dhyan Foundation, Siliguri, a registered NGO till the final decision of the case.

4. Learned Advocate for the petitioner submits that the learned Magistrate violated the provision of prevention of cruelty to animals under (Care and Maintenance of Case Property Animals) Rules, 2017.

5. Learned Advocate for the petitioner submits that before passing the order for handing over the custody of the seized cattle to Dhyan Foundation, the learned Additional Chief Judicial Magistrate did not pass any order with regard to the expenses incurred by the petitioner in raising and maintaining the cattle from the date it was

seized still the date of handing it over to Dhyan Foundation. The petitioner was entitled to the reimbursement of money invested by him.

6. From the materials placed before this Court, it transpires that the petitioner was in custody of 43 numbers of cattle which were seized by police while such cattle were being transported illegally. It was initially put into the care and maintenance of the present petitioner. However, the order impugned does not disclose that the petitioner was in such custody since after the cattle were recovered and seized. The petitioner claims to have been put in possession by the police and he has taken care of such cattle until the impugned order was passed. There is nothing on record to suggest that the petitioner ever approached to the learned counsel for any other forum to claim reimbursement of the amount invested by him in caring and maintaining the seized cattle.

7. In such circumstances, I find no reason to interfere with the impugned order.

8. C.R.R. No. 259 of 2026 is disposed of.

(Md. Shabbar Rashidi, J.)