
(2022) 08 OHC CK 0078
In the Orissa High Court
Case No : Writ Petition (C). No. 14706 Of 2022

Gita Rout

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 08-08-2022

Acts Referred:

Citation : (2022) 08 OHC CK 0078

Hon'ble Judges : Dr. S. Muralidhar, CJ; R.K. Pattanaik, J

Bench : Division Bench

Advocate : A.K. Mishra, Ishwar Mohanty, Shashi Paul, Afraaz Suhail

Final Decision : Disposed Of

Judgement

I.A. No.10706 of 2022

1. Issue Notice. This is an application for intervention by one Ms. Purabi Patra who has also filed an affidavit. Copy of this application and the affidavit be served on learned counsel for the Petitioner as well as the learned counsel for the State.

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2. The Court has perused the affidavit filed today by Mr. Shashi Paul, the Principal Chief Conservator of Forests (PCCF) (Wildlife) and Chief Wildlife Warden, Odisha who is also present online.

3. While better details of the fourteen cases involving illegal poaching of elephants in the last five years have been furnished, it is plain that the mere registration of these cases has not yielded the desired result of deterring the offenders from pursuing with their crimes. The progress of the cases is also not satisfactory. Except in one out of the fourteen cases, trial has not yet commenced in any of them. The affidavit explains that the Special Task Force (STF) Crime Branch is dealing with a whole host of problems apart from wildlife related crimes such as Inter-State drug Trafficking, Tender Fixing, Extortion and

related offences, gang robbers, kidnappers/ abductors for ransom, illicit supply of Arms, ammunitions and explosives, gangs involved in trade of human organs and all matters related to terrorist activities.

4. Clearly, the STF is overburdened and cannot be expected to devote special attention to the task at hand considering that the increase in number of deaths of elephants in Odisha in the recent past has been alarming. A concerted effort has to be made to activate the law enforcement machinery for strict enforcement of the Wildlife (Protection) Act and all other related laws including the Arms Act as in many of these instances, the elephants were found dead or grievously injured with bullet or pellet wounds. It is surprising that in none of these cases the Arms Act has been invoked.

5. The Court considers it appropriate to call for an affidavit from the Director General of Police for his views as to how the problem should be tackled. In particular, how the investigations can be expedited, the accused arrested, the filing of the charge sheets and the conduct of the trials be expedited. The affidavit be filed by the next date. The Court also requests the learned Advocate General to participate in the next hearing to assist the Court.

6. The Court's attention has been drawn to the fact that in some of the cases, the Forest Officials and the employees of the Forest Department are themselves arraigned as accused, have been arrested, placed under suspension and departmental proceedings have been commenced. A separate chart with an affidavit be filed by the PCCF on the next date indicating the current status of the departmental enquiries against such persons, whether they are out on bail and the progress of the departmental enquires and whether they have been taken to their logical conclusion.

7. List on 17th August, 2022.

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