

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C). No. 14706 of 2022**

***Gita Rout***

....

***Petitioner***

Mr. A.K. Mishra, Advocate

*-versus-*

***The State of Odisha and others***

....

***Opposite Parties***

Mr. Ishwar Mohanty, ASC

**CORAM:  
THE CHIEF JUSTICE  
DR. JUSTICE S.K. PANIGRAHI**

**ORDER  
25.07.2022**

**Order No.**

05. 1. A counter affidavit has been filed by the Conservator of Forest (Wildlife) working in the Office of the Principal Chief Conservator of Forests (PCCF) (Wildlife), Odisha in compliance with the order dated 5<sup>th</sup> July, 2022. It broadly talks of the steps taken for enforcement of the provisions of the Wildlife (Protection) Act, 1972 in Odisha generally and, in the second part, of the preventive and counter measures taken against illegal elephant poaching and for protection of elephants.
2. In response to a specific query whether the Forest Department has actually listed out the number of incidents of illegal poaching of elephants in the last few years, Mr. Ishwar Mohanty, learned Additional Standing Counsel (ASC) drew attention to Para-15 of the counter affidavit which reads as under:

“15. That during the last 5 years from 2017 to 2022, 14 cases of poaching of wild elephants have been reported to the authorities, out of which 4 cases relate to death of female elephants and 10 cases are killing of male elephants. In this regard, 30 persons involved in the poaching have been arrested and forwarded to the Court of law. Further, 11 cases have been booked under the Wildlife (Protection) Act, 1972 out of which 5 cases are under trial in courts and 9 cases are under investigation. The authorities have recovered 17 nos of tusks relating to 9 cases.”

3. The Court finds the above paragraph to be a vague in its particulars. The Court accordingly directs the PCCF (Wildlife) to himself file an affidavit in which he will provide the details of each of the instances of illegal poaching of elephants in the last five years including

- the place/region where the incident took place,
- the actual action taken i.e., in form of registering an FIR (with the case number),
- listing of the suspects/accused persons,
- arrest of the accused persons,
- filing of charge sheet with the details of the Court where the case is pending,
- the status of the trial and

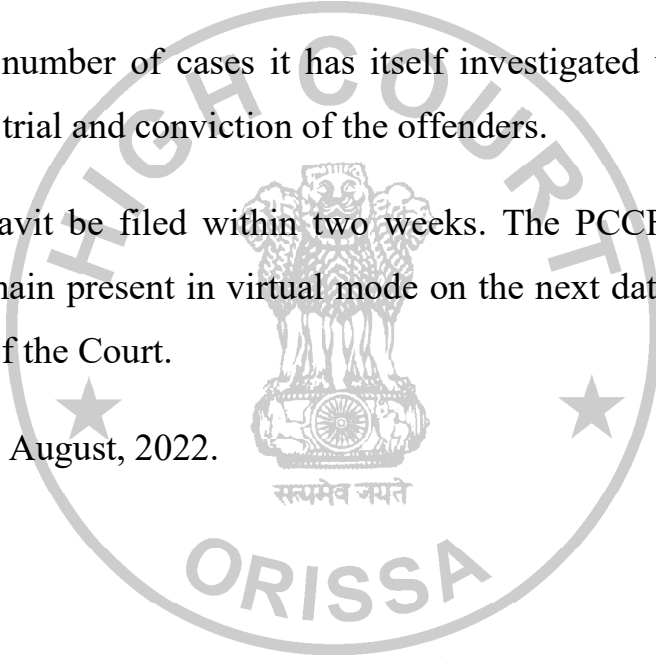
whether there had been any conviction in any of those cases.

4. Mr. Mohanty, learned ASC, drew attention to an order dated 16<sup>th</sup> October, 2015 of the Forest & Environment Department, Government of Odisha constituting a 'Wildlife Crime Cell' created in the CID, Crime Branch. The above affidavit of the PCCF (Wildlife) will also indicate:

- the present composition of such Wildlife Crime Cell and
- the actual number of cases it has itself investigated which have resulted in a trial and conviction of the offenders.

5. The affidavit be filed within two weeks. The PCCF (Wildlife) will also remain present in virtual mode on the next date to answer the queries of the Court.

6. List on 8<sup>th</sup> August, 2022.



***(Dr. S. Muralidhar)***  
***Chief Justice***

***(Dr. S. K. Panigrahi)***  
***Judge***

S. Behera