

IN THE HIGH COURT OF ORISSA : CUTTACK

W.P.(C) NO.14706 OF 2022

GITA ROUT ... Petitioner

-VERSUS-

STATE OF ODISHA & OTHERS
... Opp. Parties

AFFIDAVIT FILED BY OPPOSITE PARTIES
IN COMPLIANCE OF ORDER DATED
25.07.2022

I, Shri Shashi Paul, aged about 60 years, S/o Late Sh. Mohinder Singh, working as Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha, Bhubaneswar do hereby solemnly affirm and state as under:

Shashi Paul

1. That the aforementioned Writ Petition was listed for hearing before this Hon'ble Court on 25.07.2022. In Paragraph - 3 & 4 of the order the Court has been pleased to direct as follows:

"3. The Court finds the above paragraph to be a vague in its particulars. The Court accordingly directs the PCCF (Wildlife) to

24/6/8 2022
Suren ...
Advocate
NOTARY, CUTTACK

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himself file an affidavit in which he will provide the details of each of the instances of illegal poaching of elephants in last five years including

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

Shreeji Ram

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

3/6/22

4. xxx xxx xxx

*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."*

Shashi Ran

2. That with regards to the directions at para 3 of the
aforementioned order, the details of the poaching
(intentional killing of elephants using weapons)
cases of last five years have been listed out and
submitted in a tabular statement and annexed hereto
and marked as Annexure A/2.


3. That with regards to the directions at para 4 of the
order, it is humbly submitted, as per report received
from Special Task Force (STF), Crime Branch,
Odisha Police vide Letter No. 1997 dated
03.08.2022 of the Superintendent of Police, STF,
CID, Crime Branch, Odisha, Bhubaneswar, a

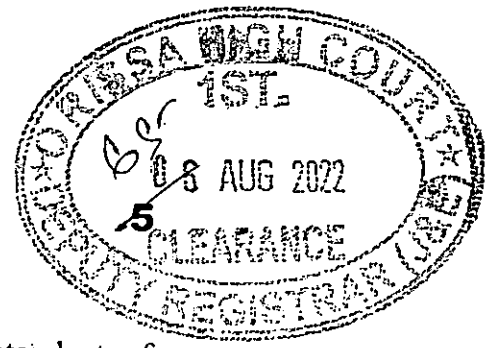
2/6/22
Surendra Prasad Dhai
Advocate
NOTARY, CUTTACK

4 by

Special Task Force (STF), Crime Branch, Odisha Police has been created by State Government in order to deal with organized crime and criminals such as Interstate 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 activity etc. having its jurisdiction throughout State of Odisha. The cases related to organized crimes are investigated at remote places of Odisha as well as beyond the State. The Wildlife Crime Cell functions under the administrative control of Additional Director General of Police, CID, Crime Branch, Cuttack. The STF, in addition to their original mandate related to investigating organized crimes, also investigate into the wildlife cases. No additional/ exclusive posts have been created for the purpose of carrying out the functions under Wildlife (Protection) Act. As per the Govt order, 4 to 6 Officers in the rank of ASI/SI/Inspector headed by an Addl. SP/DSP are part of the Wildlife Crime Cell who are entrusted with the task of investigating wildlife cases.

Shashi Pand


Surendra Prasad Dhal
Advocate
NOTARY; CUTTACK



Currently, the STF has 3 Dy. Superintendent of Police, 8 Inspectors, 2 SIs and 9 ASIs who investigate all the organized crimes including wildlife cases in the entire State of Odisha. Apart from this, one ACF and one Forest Ranger from Forest and Environment Department are brought in deputation basis.

The status of investigation by STF, as furnished by the STF, CID, Crime Branch is submitted as hereunder.

Shashi Pand

No. of cases investigated under the Wildlife (Protection) Act	33
No. of cases where charge sheet filed	31
No of cases pending investigation	02
No of trials completed	01
No of trials which have resulted in conviction	01

4. That the Opposite Parties craves leave of this Hon'ble Court to make further submissions and file

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[Signature]
Surendra Prasad Dhai
Advocate
NOTARY, CUTTACK

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further affidavits, in the interest of justice and effective adjudication by this Hon'ble Court.

5. That the facts stated above are true to the best of my knowledge, belief and based on available records.

Identified by:

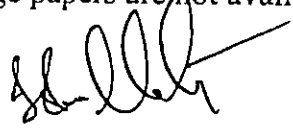
Pradeep Kumar Jena
6/8/2022
Asst. A.G's Office

✓ Suresh Paul -
DEPONENT 6.8.22
P.C.C.F. (W/18/16)

Place: Cuttack

Date: 6/8/2022

Certified that Cartridge papers are not available



ADDL STANDING COUNSEL

The above named Deponent
Solemnly affirmed on 6.8.2022
Being Identified
by P.K. Jena (A.C.)
A.G.

6/8/2022

Suresh Paul
Advocate
NOTARY, CUTTACK



Illegal Poaching of elephants in last 5 years

SL No.	Date	Division	Place of Detection	Case No.	List of suspected persons	List of persons arrested	Date of submission of sanctioned Prosecution Report [Form VII vide Rule 11, The Orissa Forest (Detection, Enquiry and Disposal of Forest Offence) Rules, 1980] to Court	Name of the Court where pending	Status of Trial	Conviction if any
1	20-02-2018	Athagarh	In Haladiaseni RF, Compt No.8, Maniabandha Section of Karada Beat of Baramba Range	UD Case no. 31B of 2017-18 converted to OR no. 79B of 2019-20	1. Gopabandhu Mahallik @ Babuli Mahallik, S/o Late Hadibandhu, At-Durgaprasad, PS-Kanpur, Dist-Cuttack 2. Dharmaraj Naik S/o Debraj, At-Jemadecipur, PS-Badamba, Dist-Cuttack 3. Bharata 4. Matia Swain 5. Nazir	1. Gopabandhu Mahallik @ Babuli Mahallik, S/o Late Hadibandhu, At-Durgaprasad, PS-Kanpur, Dist-Cuttack (Dharmaraj Naik arrested on 4.7.2022 in OR Case 15B of 2022-23)	05.08.2022	JMFC, Badamba	Not started	
2	26-02-2018	Athagarh	In Nagatota RF, Compt No.03, Gopapur Section, Badamba Range	UD No.32B of 2017-18 converted to OR No.146B of 2017-18 2(b)CC No. 2/2018	1. Dhanias Behera, S/o Sudam, At-Satagochhia, PS-Badamba, Dist-Cuttack 2. Ismil Khan, S/o Gafar 3. Nagir Khan, S/o Gafar both of	Dhanias Behera, S/o Sudam, At-Satagochhia, PS-Badamba, Dist-Cuttack	05.08.2022	JMFC, Badamba	Not started	

Principal Chief Conservator of Forests
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Odisha, Bhubaneswar

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SL No.	Date	Division	Place of Detection	Case No.	List of suspected persons	List of persons arrested	Date of submission of sanctioned Prosecution Report [Form VII vide Rule 11, The Orissa Forest (Detection, Enquiry and Disposal of Forest Offence) Rules, 1980] to Court	Name of the Court where pending	Status of Trial	Conviction if any
					Kotpalla village, PS- Badamba, Dist- Cuttack 4. Matia Swain staying at Khairapanga, PS- Badamba, Dist- Cuttack					
3	02-10-2018	Dhenkanal	Chotawali Village forest near Asanbahali village of Mahabirod Range (A female elephant found dead with shot gun injuries. It came from neighbouring Division)	UD case No.6M of 2018-19	-	-				
4	12-12-2018	Athgarh	Inside a vegetable field of Rajnagar village, Rajnagar Beat, Rajnagar Section of Athgarh Range	OR No. 80A of 2018-19 2(b)CC No. 10/2018	1. Prasanna Dehury, S/o Budhi 2. Debaraj Dehury, S/o Sauda both of Rajnagar village, PS- Athgarh, Dist- Cuttack	1. Prasanna Dehury, S/o Budhi 2. Debaraj Dehury, S/o Sauda both of Rajnagar village, PS- Athgarh, Dist- Cuttack	04.08.2022	SDJM, Athgarh	Not started	

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5	26-12-2019	Deogarh	In the backyard of Babuli Garnayak of village Laxmipur of Reamal Range	OR No.233 of 2019-20 2(b)CC No. 50/2019	1.Dukhabandhu Sahu, S/o Harihar Sahu, At-Laxmipur, PS-Kundheigola, Dist-Deogarh	1.Dukhabandhu Sahu, S/o Harihar Sahu, At-Laxmipur, PS-Kundheigola, Dist-Deogarh	26.02.2020	Civil Judge-cum-JMFC, Reamal	Trial continuing	
6	04-03-2020	Sambalpur	Ichhapal village under Basiapada-Birsingharh RF of Basiapada section of Sadar Range (tusker found dead and found to be shot by country made gun. Tusks were intact)	UD case No.25 of 2019-20	Nil	Nil				
7	22-06-2020	Boudh	Inside Mundeswar RF, Gandapaju Beat, Talagaon Section, Madhapur Range	UD Case no. 9MP of 2020-21 converted to OR No. 113 MP of 2020-21 2(b)CC No. 16/2020	1.Arjun Kanhar 2.Durman Bagha 3.Aruna Kanhar 4.Sadananda Guru 5.Purnachandra Jani 6.Duryadhan Jani	1.Arjun Kanhar 2.Durman Bagha 3.Aruna Kanhar 4.Sadananda Guru	27.07.2022	SDJM, Boudh	Trial not started	



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8	10.02.2021	Dhenkanal	Kandhara RF, Compt No.4 of Hindol Range	UD Case no. 4211 of 2020-21 converted to OR No.99H of 2020-21	1.Gopabandhu Mahallik, S/o Hadibandhu Mahallik, At-Durgaprasad, PS-Kanpur, Dist-Cuttack. 2.Izral Khan, S/o Abdul Khan, At-Kotapala, PS-Badamba, Dist-Cuttack	-	01.08.2022	SDJM, Hindol	Trial not started	-
9	28-08-2021	Deogarh	Seizure of tusk in Organe- sado road of Kansar Section in deogarh Division. Carcass found inside Ushakothi RF, Compt No.46 of Badrama Wildlife Range	OR No.37 of 2021-22 of Deogarh Division 2(b)CC No. 13/2021	1. Pabitra Majhi, age 41, 2. Manful Majhi, age-32, S/o Siba Majhi, At-Bhutel, PO-Kansar, PS-Reamal, Dist-Deogarh	1. Pabitra Majhi, age 41, 2. Manful Majhi, age-32, S/o Siba Majhi, At-Bhutel, PO-Kansar, PS-Reamal, Dist-Deogarh	30.11.2021	Civil Judge-cum-JMFC, Reamal	Not started	-
10	24-05-2022	Boudh	Inside Jamukhole RF, C/N -8, Beat-Jamukhol, Section-Baghiapada, Boudh Range	UD Case no. 1B of 2022-23 converted to OR No.91B of 2022-23 2(b)CC 14/2022	1.Bighne Kanhar 2.Sudarsan Majhi 3.Karna Pradhan 4.Nilakara Naik 5. Jibar 6. Tengunu both of vill. Maniapaju	1.Bighne Kanhar 2.Sudarsan Majhi 3.Karna Pradhan 4.Nilakara Naik	Case under investigation by Asst. Conservator of Forests, Boudh Division	-	-	-

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					7. Hero of Bhurkipada 8. Halu of Jamukhol 9. Jibar Khan 10. Maiuddin Khan both of Kantapalli, Boudh District 11. Dhanias Behera of Satagachhia 12. Babil Mahalik of Durgaprasad 13. Akula Behera of Jenapal 14. Santosh Behera of Mahatabandha all of District Cuttack					
11	25-05-2022	Boudh	Inside Bankamundi RF Compartment No. 8, Beredabari Beat, Baghiapada section, Boudh Range	UD Case No. 2B of 2022-23 converted to OR No. 124B of 2022-23 2(b)CC 15/2022	1. Dillip Luhar 2. Jagannath Patra 3. Bibekananda Seth 4. Judhisthir Bhoi	1. Dillip Luhar 2. Jagannath Patra 3. Bibekananda Seth 4. Judhisthir Bhoi	Case under investigation by Asst. Conservator of Forests, Boudh Division			


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SL No.	Date	Division	Place of Detection	Case No.	List of suspected persons	List of persons arrested	Date of submission of sanctioned Prosecution Report [Form VII vide Rule 11, The Orissa Forest (Detection, Enquiry and Disposal of Forest Offence) Rules, 1980] to Court	Name of the Court where pending	Status of Trial	Conviction if any
12	14-06-2022	Athagarh	Inside Kaliapada PF of Jayapur Section, Narsinghpur West range	UD Case No. 9NW of 2022-23 converted to OR No.2NW of 2022-23 2(b)CC No.02/2022	1.Prakash Das@ Prakash Baba, S/o Late-Ranjan, At-Atanda, 2.Kalia Behera, S/o Bhagaban, At-Hatarapada 3.Ranjan Naik, At-Chatarapada 4.Satyaban Natha, S/o Sweta, At-Chatarapada 5.Kuna Naik, S/o Bandhia At-Chatarapada 6.Tuku Naik, S/o Cherna At-Chatarapada All PS-Narsinghpur, Dist-Cuttack 7. Suryamani Nayak, S/o Late Bansidhar, At-ramachandrapur. 8.Gangadhar Nayak, S/o Late Bula, At-Nauabhuin 9.Dibakar Sahoo,	1. Suryamani Nayak, S/o Late Bansidhar, At-ramachandrapur. 2.Gangadhar Nayak, S/o Late Bula, At-Nauabhuin 3.Dibakar Sahoo, S/o Bhagaban, At-Anantaprasad 4.Jalandhar Nayak, S/o Late Ghanashyam, At-Annantaprasad, 5.Budhiman Rout, S/o Mangul, At-Kathakhuntu, All PS-Narsinghpur, Dist-Cuttack	Case under investigation by Asst. Conservator of Forests, Athgarh Division			


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SL No.	Date	Division	Place of Detection	Case No.	List of suspected persons	List of persons arrested	Date of submission of sanctioned Prosecution Report [Form VII vide Rule 11, The Orissa Forest (Detection, Enquiry and Disposal of Forest Offence) Rules, 1980] to Court	Name of the Court where pending	Status of Trial	Conviction if any
					S/o Bhagaban, At-Anantaprasad 10.Jalandhar Nayak, S/o Late Ghanashyam, At- Annantaprasad, 11.Budhiman Rout, S/o Mangul, At-Kathakhuntu, All PS- Narsinghpur, Dist- Cuttack					
13	21-06-2022	Sambalpur	Near Saplaha village Pond of Badsahir Section, Padiabahal Range	UD Case No. 02 of 2022- 23 converted to OR No.20 of 2022-23 2(b)CC No. 06/2022	1.Rajib Hembram, age 35, S/o Ramsingh village Aanda Nagar, Kadalipal, PO- Kulundi, PS- Jamankira, 2.Lalu Hara, Age 50, village- Sitlenpali, PO- Jhankarpali, PS- Jujumura,Dist- Sambalpur	1. Rajib Hembram	Case under investigation by Asst. Conservator of Forests, Sambalpur Division			



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SL No.	Date	Division	Place of Detection	Case No.	List of suspected persons	List of persons arrested	Date of submission of sanctioned Prosecution Report [Form VII vide Rule 11, The Orissa Forest (Detection, Enquiry and Disposal of Forest Offence) Rules, 1980] to Court	Name of the Court where pending	Status of Trial	Conviction if any
14	07-07-2022	Ghumsur (North)	Darapangia RF, Compt No.10, Gunduribadi Beat/Mujagada Section/Mujagada Range	OR No.150M of 2022-23 2(b)CC No. 09/2022	1. Sri Jubaraj Digal, age-53, S/o Angad. 2. Sri Runaa Digal, age-35, S/o Sudarsan 3. Sri Deepak Digal, age-32, 4. Sri Pradeep Digal, both S/o Jubaraj all are At-Belatun, 5. Basanta Gouda of Dhipasahi all of PS-Bhanjanagar, Dist-Ganjam	1. Sri Jubaraj Digal, age-53, S/o Angad. 2. Sri Runaa Digal, age-35, S/o Sudarsan. 3. Sri Deepak Digal, age-32, S/o Jubaraj. all are of At-Belatun, PS-Bhanjanagar, Dist-Ganjam	Case under investigation by Asst. Conservator of Forests, Ghumsur (North) Division			

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*On 12.06.2020 a female elephant calf was found dead inside a waterbody in Rutukupedi RF in Kumarmunda Range of Rourkela Division. Initially it was presumed to be a case of poaching and a case was booked vide UD No. 03K of 2020-21. On investigation it was found to be an accidental death by a trapping net which was set for killing small wild animals and the accused person has been arrested and case has been booked in the Court of JMFC (Rural), Rourkela.


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