



W.P.(MD)No.9924 of 2020

W.P.(MD) No.9924 of 2020

WEB C **V.BHARATHIDASAN, J.**
AND
N.SATHISH KUMAR, J.

This writ petition has been filed seeking for transfer of investigation regarding poaching of lion for teeth and claws and deer for horn in Ramanathapuram District to Wildlife Crime Control Bureau (WCCB) to ensure the free and fair investigation in the matter in accordance with law within the time frame to be fixed by this court.

2. The allegation is that the 9th respondent police while conducting a regular vehicle checkup had seized narcotic drugs as well as certain articles of wild animals and based on that, a FIR has also been registered, however, thereafter, there was no progress in the investigation. Therefore, the petitioners had no option except to approach this court by way of writ petition.

3. The District Forest Officer, Ramanathapuram, in his counter affidavit filed in the month of March, 2021, *inter alia* , has stated that FIR was registered by the 9th respondent and as per the Wildlife Crime Investigation Manual, the police only have power to file final report.



WEB COPY



W.P.(MD)No.9924 of 2020

V.BHARATHIDASAN, J.
AND
N.SATHISH KUMAR, J.

4. However, this court is of the view that the stand taken by the District Forest Officer is not correct in law and as per Section 50 of the Wildlife (Protection) Act, even though the police has been given power to investigate the crime, cognizance in respect of forest offences, could be taken by the court only on the complaint filed by the competent authority under Section 55 of the Wildlife Protection Act and the police cannot file final report under Section 173 of Cr.P.C.

5. In view of the above, the District Forest Officer, Ramanathapuram and the 9th respondent police are directed to appear before this court on the next date of hearing through video conference without fail.

The Registry is directed to list the matters on 21.01.2022.

kmk

[V.B.D.J.] [N.S.K.J.]
12..01..2022

WP(MD) No.9924 of 2020