

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CIVIL APPLICATION (O) NO. 1523/2017

IN
PUBLIC INTEREST LITIGATION NO. 69/2017
(Dr. Jerryl Avinash Banait vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

**CORAM : B.P. DHARMADHIKARI
 AND ROHIT DEO, JJ.**

DATED : 13th October, 2017.

Heard Adv. Mandlekar for the petitioner; Adv. Abhilash Shriwas h/for Adv. KN. Shukul for respondent nos. 1 and 2; learned AGP Mrs. Ketaki Joshi for respondent no.3 and Adv. Chandurkar for respondent no.6.

2. Submission is, the problem tigress has now travelled into the reserved sanctuary and, therefore, there is no immediate threat to human life. Second contention is, the judgment delivered today on Civil Application (O) No. 1519/2017 is also not signed by both Hon'ble Judges and, therefore, not available. Lastly, it is pointed out that Hon'ble Apex Court is also on vacation.

3. It is submitted that when Civil Application (O) No. 1519/2017 was being argued, learned counsel for Forest Department in all fairness, stated that directions were issued not to kill the tigress during pendency of said Civil Application. Adv. Mandlekar submits that said statement and position can be continued at least for a period of two

weeks more, so as to enable the applicant to approach the Hon'ble Apex Court and to give said tigress one more chance.

4. Request is being strongly objected by other counsel. They submit that Forest Department is not bent upon killing the tigress and all efforts are being made to, first tranquilize and bring back it in captivity. They also submitted that therefore the permission to hunt given is valid only up to 20th October, 2017 and thereafter again situation would be reviewed.

5. Civil Application No.1519/2017 was taken up due to urgency pointed out when it was not registered. Arguments were concluded in the evening of 11th October, 2017 and then on 12th in the morning, as matter at Sr. No.1, judgment was delivered in open Court. Thus, text of the judgment or reasons recorded therein were within knowledge of all present in Court.

6. The judgment was transcribed and thereafter corrected on 12th October, till late evening. Fair copy could be signed by the senior Judge today in the morning. The other Judge (Hon'ble Mrs.Justice Swapna Joshi) has been assigned a work at National Judicial Academy Bhopal and, therefore, left for Bhopal in the evening on 12th October, 2017 itself. Hence signature of other Judge is not available.

7. In this situation, we are not inclined to grant the requests as made. The Forest Department has, however, already assured and it is also recorded in their order that efforts shall continue to tranquilize and immobilize the animal.

8. Taking overall view of the matter, we direct the Registry of this Court to supply copy of the judgment signed by learned senior Judge only for use by applicant.

9. The Civil Application is accordingly rejected. No costs.
Steno copy allowed.

JUDGE

JUDGE

sahare