GAHC010130812020

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/2472/2020

ALI AHMED AND ANR.
S/O ABDUL RAHMAN, R/O BOGORIBARI, P.S. SHYAMPUR, DIST-DARRANG, ASSAM

2: ABDULRAHMA

VERSUS

THE STATE OF ASSAM
REP. BY SPECIAL PP, ASSAM, WILD LIFE PROTECTION ACT.

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : SPECIAL PP ASSAM

BEFORE
HONOURABLE MR. JUSTICE PRASANTA KUMAR DEKA

ORDER

Date : 23-11-2020

Heard Mr. I. A. Hazarika, learned counsel for the petitioners. Mr. B. K. Mahajan, learned Special. P. P., Wild Life Protection Act,1972 is present.

I have perused the offence report. As per the Wild Life (Protection) (Assam Amendment) Act, 2009 under Section 51 B sub-Section 3, the offences under this Act shall be triable by the court of Sessions of the respective jurisdiction. The present petitioners have filed this pre-arrest bail application and in view of Sections 51 B sub-Section 3 of the Act,

the petitioners are entitled to file pre-arrest bail, if they so desire before the learned court of Session of the respective jurisdiction. As per the said Section 51 B, the learned court of Sessions is competent to take note of the submission of the concerned Public Prosecutor while dealing with an application for bail. In view of the said provision, in my considered opinion, this bail application stands closed, however giving liberty to the petitioners to move appropriate court, if so advised.

Mr. Mahajan, learned Special P.P. informs this court that in the preliminary offence report dated 2.9.2020 of the Forester-I Orang National Park in the first paragraph, Hog Deer has been sown to be listed in the entry 11 of Schedule III species of Wildlife (Protection) Act, 1972 , however, it ought to have been schedule-1 Part I, Item 44 as per schedule appended in Wild Life(Protection) Act, 1972.

JUDGE

Comparing Assistant