

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (ABA) No. 44 of 2021

(Avinash Anil Khirodkar ..vs.. Range Forest Officer, Flying Squad, Hiwarkhed, Melghat Tiger Reserve
Akot Wildlife Division, Akot, Tq. Akot, Dist. Akola)

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

Court's or Judge's orders

Mr. Vipul B. Bhise, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 23-03-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is apprehending arrest in P.O.R. 21/1016 registered with Range Forest Officer, Hiwarkhed, District Akola for the offences punishable under Sections 2(5), 9, 29, 31, 35, 39, 44, 48(A) (B), 49(B), 50, 51 (1) (C), 52 of the Wild Life Protection Act, 1972 and under Sections 26(1), 52 and 61 of the Indian Forest Act, 1927.

3. Since the learned counsel for the applicant had assured that the applicant shall cooperate with the forest

authority, the applicant was granted ad-interim protection vide order dated 1-2-2021.

4. The applicant has attended the office of the non-applicant, as directed. However, I find substantial merit in the submission of the learned Additional Public Prosecutor Mr. Mehroz Pathan that the applicant is not only refusing to cooperate, he is clearly misleading the forest authority.

5. The crime involves two sand boas, a protected species. While one is recovered, the other sand boa which was in possession of the applicant is yet to be recovered. The applicant has taken a stand that there was only one sand boa and that the confusion arose because the red sand boa was painted black. According to the applicant, the black sand boa which is recovered is in fact the red sand boa which was in his possession and of which he also shot a video clip.

6. I am satisfied that the applicant is not cooperating and the attempt is to throw the investigation off gear.

7. Custodial interrogation has become imperative due to the attitude of the applicant.
8. The application is dismissed.

JUDGE

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