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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 4076/2011**

WILDLIFE CRIME CONTROL BUREAU

.....Petitioner

Through: Mr. T.P. Singh, Mr. Kamaldeep and
Mr. Vijay Kumar, Advocates.

versus

DIGVIJAY SINGH

.....Respondent

Through: Mr. Tanvir Mir, Senior Advocate with
Ms. Kajal, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.05.2025

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1. The present petition filed under Article 227 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 482 of the Code of Criminal Procedure, 1973¹) impugns order dated 20th October, 2011,² passed by the ASJ-01 (Central), Delhi in Criminal Revision No. 34/2011 whereby order dated 12th January, 2011 passed by the Court of ACMM (Special Act), Central, Delhi summoning the Respondent for the offence under Section 51 of the Wild Life (Protection) Act, 1972, *qua* the Respondent was set aside. In view of the setting aside of the summoning order, the Respondent was discharged. Aggrieved by the discharge, the Petitioner (Complainant) preferred the instant petition and subsequently the matter was directed to be listed in the

¹ "CrPC"

² "the impugned order"

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category of “regular matters”.

2. In the meantime, the complaint preferred by the Complainant continued against the other 6 remaining accused which then culminated in a final judgment dated 16th December, 2022 acquitting of all accused persons by order. The concluding portion of the said judgment is as follows:

“19. To conclude, it is observed that the case against the accused persons had not been proved beyond reasonable doubt as material witnesses had not been examined, independent persons were not asked to join the investigation, the invoice of supply of sea cucumbers had not been proved, original report of examination of material by ZSI had not been produced and proved so the material sent to ZSI could not be stated to be sea cucumbers, movement of seal was not proved, chain of custody of case property is incomplete, steel cabinet was not seized, site plan was not made and lastly, in absence of the company being arraigned as a party, its officers cannot be made vicariously liable for its acts. Accordingly, the accused persons are hereby acquitted of the offence punishable u/s 51 of the Act.”

(sic)

3. Taking note of the afore-noted acquittal, on 29th January, 2024, and the contention of the Petitioner that the Department had decided not to assail the order of the acquittal of the co-accused, a direction was issued to the Petitioner to file a status report. The status report confirms that the Petitioner has decided not to assail the order of acquittal. The relevant portion of the status report reads as follows:

“10. That Consequent to acquittal, the petitioner (WCCB) in the present case had referred the matter to the Head of the Department i.e. the Additional Director, WCCB, Headquarters, Government of India to seek feasibility and opinion of challenging the acquittal order passed by the Ld. ACMM (Special Acts), Central, Tis Hazari Courts, Delhi and to get further instructions on the matter.

11. That the case file and the copy of the judgement were further sent by the Additional Director, WCCB, Headquarters, Government of India to the Department of Legal Affairs, Ministry of Law and Justice through the Ministry of Environment, Forest & Climate Change seeking feasibility of challenging the acquittal order passed by the Ld. ACMM (Special Acts), Central, Tis Hazari Courts, Delhi.

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12. That on perusal of all available records, the Department of Legal Affairs, Ministry of Law & Justice concluded that:

“unless it is established with material evidence that the accused are liable to be punished the chances of success in appeal appear to be remote”.

13. Subsequently the Headquarters of WCCB also communicated to this office on 06.10.2023 **decision regarding not going for appeal.**

14. That pursuant to the views of the Bureau Headquarters and the Department of Legal Affairs, Ministry of Law & Justice, WCCB as Petitioner has considerate views to not to move forward with an appeal against the acquittal order passed by the Ld. ACMM (Special Acts), Central, Tis Hazari Courts, Delhi on 16.12.2022.”

4. In view of the foregoing, since the Petitioner has decided not to assail the order of acquittal, the continuation of proceedings against the Respondent, who has been discharged pursuant to the Revisional Court’s order dated 20th October 2011, would serve no fruitful purpose. The discharge of the Respondent was based on a judicial determination that has now effectively attained finality leading to an acquittal. Thus, the intervention of this Court is not warranted.

5. Accordingly, the present petition is disposed of.

SANJEEV NARULA, J

MAY 22, 2025

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