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ITEM NO.8

COURT NO.5

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 8003/2021

(Arising out of impugned final judgment and order dated 25-08-2021 in CRLP No. 368/2021 passed by the Gauhati High Court)

SRI CHOW SONJIT POMONG

Petitioner(s)

VERSUS

THE STATE OF ASSAM & ORS.

Respondent(s)

Date : 06-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Anilendra Pandey, AOR
Mr. Pushpenu Shukladu, Adv.
Ms. Priya Kashyap, Adv.
Mr. Rajeev Kumar Ranjan, Adv.

For Respondent(s) Mr. Nalin Kohli, Sr. A.A.G.
Ms. Diksha Rai, AOR
Ms. Nimisha Menon, Adv.
Mr. Sharthak Sharma, Adv.
Mr. Anshul Malik, Adv.
Mr. Arijit Dey, Adv.
Ms. Apurva Sachdev, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The allegation against the petitioner is the commission of certain offences punishable under the Wild Life (Protection) Act, 1972. The petitioner claims to be the owner of two elephants for which he has ownership certificate issued by the State of Arunachal Pradesh. These elephants were seized by the wildlife authorities in the State of Assam on the ground that these were being transported for sale in a different State without proper permission. The petitioner's contention, however, is that the elephants were being carried to the State of Odisha for religious purpose and there was

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no intention to sell these animals there. Charge sheet has been filed before the Sessions Court at Tinsukia, Assam.

In our opinion, at this stage, we ought not to interfere with the impugned order by which the order of the Additional Sessions Judge, No.2 (FTC), Tinsukia passed on 24.06.2021 was quashed and set aside. The Additional Sessions Judge had directed in substance lifting of the seizure order and permit the petitioner to have custody of the elephants on execution of bond of Rupees Thirty Lakhs (Which is Rupees Fifteen Lakhs for each of these two elephants).

We do not want to interfere with the impugned judgment of the High Court but we request the Trial Court to conclude the proceedings as expeditiously as possible, preferably within a period of six months from today. The elephants should be given proper care while in the State's custody or captivity.

The present petition shall stand disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR