

22.02.2023

Accused Jirimiya Basumatary is present.

Heard learned P.P. and learned defence counsel.

Perused the letter No.B/HFD/Offence/2022-23/2804 dated 03.02.2023 of the DFO, Haltugaon Division in response to the query of this court as to whether the P.O. is within a notified sanctuary.

The content of the aforesaid letter is reproduced.

“With reference to the subject cited above I have the honour to inform you that the information in respect, the Foothills of Ultapani Hill near Ultapani River under Chirang Reserve Forest area falls under Haltugon Division Kokrajhar, Kokrajhar which is within Raimona National Park's Eco-Sensitive Zone under Kokrajhar District and the area also falls as Buffer Zone of Manas Tiger Reserve of Manas National Park. The necessary documents of Govt. notification is not available. However it is worth mentioning that where there is no Govt. notification of Eco-Sensitive Zone, it can be assume that it is upto 10 K.Ms. from the boundary of any Wildlife Sanctuary, National Park and Protected Area”.

It is seen that the DFO has stated everything, except providing the answer to the very specific query of this court. However, he has stated that no notification notifying the area as a 'Sanctuary' is available. Hence, the court must presume that there is no such notification and therefore, the offences u/s 27/29/51(I) of the Wildlife (P) Act are not attracted, as the P.O. is not a notified sanctuary as defined u/s 3(26) of the said Act. However, the offence u/s 24/25 of the AFR are prima facie attracted, which offences are Magistrate triable.

Hence, the case is transferred to the learned CJM, Kokrajhar for disposal.

Accused persons are directed to appear before the said court on 28.02.2023.

Transmit the case record immediately.


Sessions Judge,
Kokrajhar, Assam
Kokrajhar