

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 15761 of 2021**

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SHEETAL BHAVESH GANDHI

Versus

STATE OF GUJARAT

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Appearance:

MR ATRAYA K TRIVEDI(11333) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MRS KRINA CALLA APP (2) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 23/09/2021****ORAL ORDER**

Heard learned advocate for the petitioner. The prosecution has been lodged against present petitioner under the provisions of Wild Life (Protection) Act, 1972. Reliance is placed in case of **Titty alias George Kurian Vs. Deputy Range Forest Officer**, reported in **AIR 2021SC 223**, to submit that in the present case, the proceedings being initiated because the petitioner was found with Indian Soft Shell Lissemys Punetata turtle, whereas, the certificate at page-28A says, it was flap shell turtle.

Learned counsel further submitted that the turtles seized is not included in Schedule I, Part-2 of the Wild Life (Protection) Act and therefore, prima-facie, no offence is made out against the petitioner. In view of the facts and circumstances of the present case, matter deserves consideration.

Let notice be issued to respondents returnable on 25.01.2022. Learned APP waives service of notice on behalf of respondent State. In the meantime and till the returnable date, interim relief in terms of para-8(B) is granted. Direct service permitted.

P.S. JOSHI

(ILESH J. VORA,J)