

## IN THE HON'BLE HIGH COURT OF ORISSA : CUTTACK

W.P.(C) (PIL) No. 7118 of 2021

In Re: Olive Ridley Turtles

.....Petitioner

Vs

Principal Secretary, Forest and Environment Department, Government  
of Odisha

..... Opposite Parties

REPORT BY THE AMICUS CURIAE DATED 19.03.2021

1. That in order to ensure that the Olive Ridley Turtles are protected within the Gahirmatha Sanctuary and Rushikulya area, this Hon'ble Court vide order dtd.15.03.2021 has passed a series of directions, including the direction to strictly enforce the fishing ban within the prohibited areas.
2. That in the night of 15.03.2021, when a patrolling team of the Gahirmath Wildlife Range and the APR police staff were patrolling the Gahirmatha Marine Sanctuary area, at about 10:30 pm they detected a fishing trawler in the Sanctuary area. When the said trawler was attempted to be intercepted and captured, the crew members of the trawler attacked the patrolling staff with sharp weapons and as a result five nos. of patrolling staff sustained injuries. Thereafter the said trawler called upon about 10 further trawlers and all such trawlers

ganged up to drown the patrolling boat alongwith the patrolling staff. In the circumstances, the patrolling boat has been badly damaged (Annexure 1) and injuries have been caused to the staff. As per the staff version, they have narrowly escaped death on the high seas.

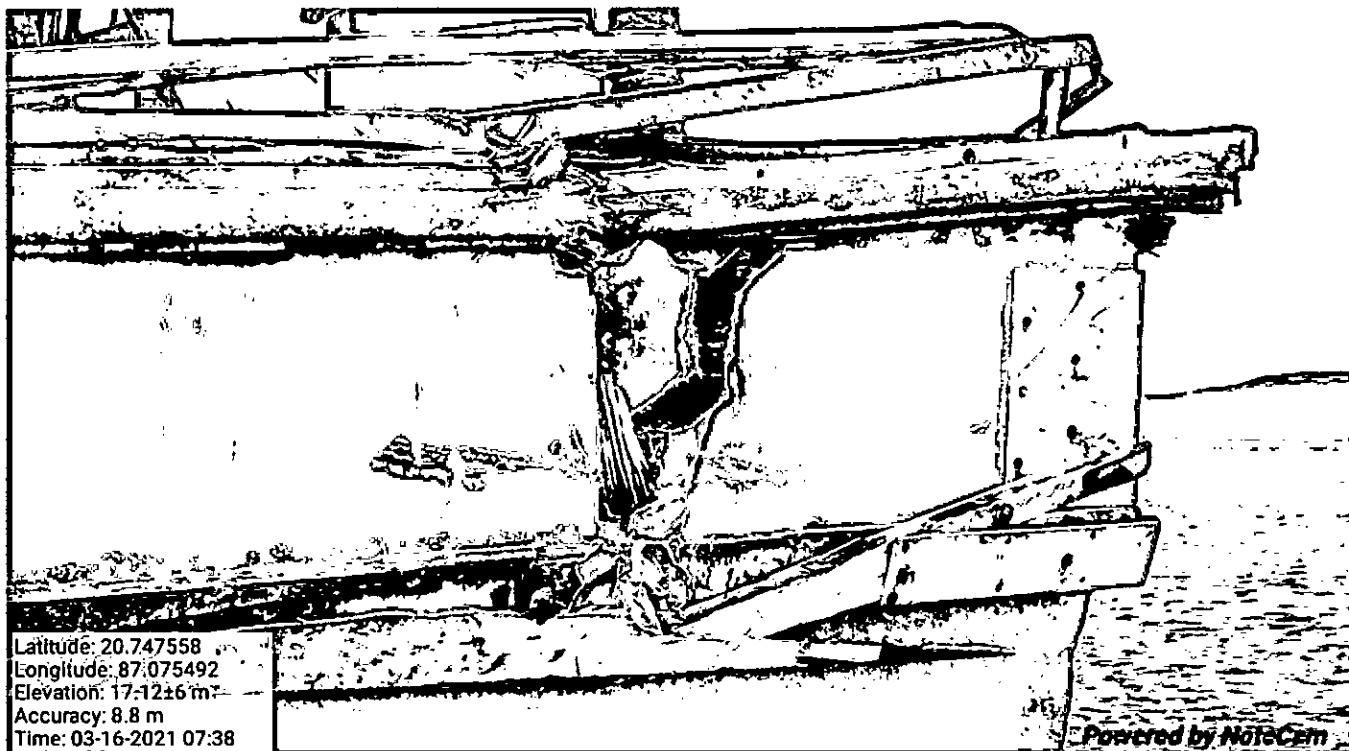
3. A FIR to this effect has been given at the Talchua Marine PS on 16.03.2021 (Annexure 2). A report dtd.17.03.2021 (Annexure 3) has been forwarded by the DFO, Mangrove Forest Division (Wildlife) Rajnagar, to the Regional Chief Conservator of Forests, Bhubaneswar.
4. It is seen from the FIR and the report dtd.17.03.2021, that the accused person and his family are habitual offenders and atleast 11 cases are pending against them. However it is baffling that the accused persons are not being arrested and/or are being released on bail. Even the offending boats are being released during the fishing ban period.
5. Till the evening on 18.03.2021, none of the accused persons or their associates have been arrested, nor the offending boat has been traced. This has severely affected the morale of the patrolling staff and does not send a good signal to other offenders in the present nesting season. Hence it is requested that the Hon'ble Court may consider the following suggestions:
  - a. The Home Department, Government of Odisha, be directed to provide additional sections of armed police force to the three marine police stations i.e. Talchua, Tantiapal and Jamboo, within 48 hours.

M  
A/W -

- b. The Superintendent of Police, Kendrapara, be directed to supervise the investigation of Talchua Marine PS Case No.0034/2021 and ensure that not only the offending trawler, but the other trawlers and persons who connived and joined the offending trawler are traced and proceeded with under law. A status report may be filed by 23.03.2021 before this Hon'ble Court. Government of Odisha and Union of India may be directed to assist in tracking the offending trawlers by utilizing the available technology.
- c. Details of pending cases relating to illegal fishing in Gahirmath Sanctuary area, and a list of habitual offenders be provided by the Superintendent of Police, Kendrapara, so that the trial of those cases be directed to be expedited.
- d. The joint patrolling staff of the Forest Department and Marine police stations at Talchua, Tantiapal and Jamboo may be directed to use appropriate force/measures in case of life risk and self defence.
- e. The marine police stations may be provided with boats immediately and the damaged boat be repaired within a week.

Dt. 19.3.2021

Mohit Agarwal  
Amicus Curiae



N.C.R.B (एन.सी.आर.बी)  
I.I.F.-1 (एकीकृत जांच फार्म -1)

**FIRST INFORMATION REPORT**

(Under Section 154 Cr.P.C.)  
प्रथम सूचना रिपोर्ट  
(धारा 154 टैंड प्रक्रिया संहिता के तहत)

1. District (जिला): KENDRAPARA P.S. (थाना): TALCHUA MARINE Year (वर्ष): 2021  
FIR No. (प्र.सू.रि. सं.): 0034 Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 16/03/2021 19:50 hrs

2. S.No. (क्र. सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	IPC 1860	332
2	IPC 1860	353
3	IPC 1860	307
4	IPC 1860	427
5	IPC 1860	34
6	WILD LIFE (PROTECTION) ACT, 1972	51

3. (a) Occurrence of offence (अपराध की घटना):  
1. Day (दिन): Monday Date From (दिनांक से ): 15/03/2021 Date To (दिनांक तक ): 15/03/2021  
Time Period (समय अन्तराल): Pahar 8 Time From (समय से ): 22:30 hrs Time To (समय तक): 22:30 hrs  
(b) Information received at P.S. (थाना जहाँ सूचना प्राप्त हुई ): Date (दिनांक ): 16/03/2021 Time (समय): 19:50 hrs  
(c) General Diary Reference (रोजनामचा संदर्भ ): Entry No. (प्रविष्टि सं.): 008 Date & Time: 16/03/2021 20:30 hrs

4. Type of Information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):  
1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा ): EAST, 18 Km(s) Beat No. :  
(b) Address (पता): Gahiramatha Marine Sanctuary  
(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो):  
Name of P.S. (थाना का नाम): District(State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):  
(a) Name (नाम): Debasish Bhoi  
(b) Father's Name (पिता का नाम): Rushyananda Bhoi  
(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1992 (d) Nationality (राष्ट्रीयता): INDIA  
(e) UID No. (यूआईडी सं.):  
(f) Passport No. (पासपोर्ट सं.): Date of Issue (जारी करने की तिथि):  
Place of Issue (जारी करने का स्थान):  
(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)  
S.No. (क्र. सं.) Id Type (पहचान पत्र का प्रकार) Id Number (पहचान संख्या)  
1 1  
(h) Address (पता):

16.03.2021

N.C.R.B (एन.सी.आर.बी)  
I.I.F.-1 (एकीकृत जांच फार्म -1)

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मट सं. 2 में उल्लेख धारा के तहत है।)

(1) Registered the case and took up the investigation: SREEKANTA KUMAR BARIK (Inspector) /or (या) (प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम): Rank  
No. (सं.): to take up the investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए):

or (के कारण इंकार किया या)

(4) Transferred to P.S. (थाना): District (जिला):  
on point of Jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित) .

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी।)

R.O.A.C. (आर. ओ. ए. सी.)

14. Signature/Thumb impression of the complainant / informant.  
(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

Debaru Bhanu  
16.03.2019

16-3-21

15. Date and time of dispatch to the court  
(अदालत में प्रेषण की दिनांक और समय):

Signature of Officer in charge, Police Station  
(थाना प्रभारी के हस्ताक्षर)

Name (नाम): SREEKANTA KUMAR BARIK

Rank (पद): I (Inspector)

No. (सं.):

To,

The IIC, Talachua Marine PS, Kendrapam

Sir,

I Sri Debasis Bhoi (29), S/o-Rushyannanda Bhoi of village Champapur, PS-Byree, Dist-Jajpur A/P- Range officer Gahirmatha WL Range do hereby lodge this report with effect that yesterday i.e. on dt.15.03.2021 at 08.15 PM our forester Sanjib Kumar Das along with constable/435 Bhngunn Tudu, constable/444 Timotius Burh at RO, Kendrapura, Ingala Marandi, Chanchala Maity (protection Sqd. Member), Babu Jena and Madhusudan Behera (Boat driver) were performing sea patrolling at Gahirmatha Marine Sanctuary with patrolling Trawler namely Padmalaya bearing Regd. No. INDOR01MM311. At about 10.30 PM one illegal fishing trawler namely "New Janani-1" was fishing inside the Gahirmatha Marine Sanctuary (spot i.e. N 20° 39' 41.6", E 087° 13' 26.8"). The patrolling parties tried to capture the said trawler coming closed to it but the said trawler's crew members attacked with a kitchen knife and axe with an intention to murder. As a result our boat driver namely Chanchala Maity sustained injury on his left leg so also three other members of patrolling parties namely Gyana Ranjan Swain, Jaga Das and Pradeep Mandal were sustained injury. The illegal fishing trawler smashed back side of our patrolling boat and heavy damage. The crew members of said illegal trawler along with crew members of about 05 other illegal trawlers attempted kill patrolling parties by drowning our patrolling boat with an intention to murder in the deep sea. The accused persons obstructed our official duties and caused injury to our patrolling parties. Fortunately our patrolling parties managed to save their lives and back to nearby station (Babubali Island near to Wheeler Island).

Therefore I request you to take necessary legal action as per law against accused persons.

7.50 PM Received the report from Constable. As of 16.3.21 received a copy case U/S-332/353/307/427/341R, RN Sec 51 of Wild Life (Protection) Act 1972, registered Talachua Marine PS case no. 24/21 and sent the up investigating of case. A copy of FIR is supplied to Constable as free of cost.

*[Signature]*  
16-3-21  
IIC TMB

Yours faithfully

*[Signature]*  
16.03.2021

Sri Debasis Bhoi,  
Range officer Gahirmatha  
Wild Life Range

- 8 -

**OFFICE OF THE DIVISIONAL FOREST OFFICER, MANGROVE FORESTS  
DIVISION(WILDLIFE):RAJNAGAR:KENDRAPADA DISTRICT,PINCODE-754225  
CONTROL ROOM: 06729-242463 FAX NO: 06729-242460 EMAILID: [df@mangrovefdw1.od@gov.in](mailto:df@mangrovefdw1.od@gov.in)**

Memo No.1868 /5F-Offence -07-2021 Dated, Rajnagar the 17<sup>th</sup> March-2021

To

The Regional Chief Conservator of Forests  
Bhubaneswar Circle, Bhubaneswar

Sub:

Assault of patrolling boat and staff by fishing boats in Gahirmatha marine wildlife sanctuary.

In inviting a reference to the above cited subject it is to bring to your kind notice that during patrolling in Gahirmatha marine sanctuary on 15.03.2021, the staff of Gahirmatha Wildlife Range along with the APR staff in the patrolling boat namely "Padmalaya" bearing Regd No. IND-OR-01-MM-311 provided by Dhamra Port (DPCL), at about 10.30PM detected one illegal fishing boat namely "NEW JANANI-I" inside the sanctuary ( location N-20° 39' 41.6" E-087° 13' 26.8"). The patrolling staff tried to detain the said boat by approaching close to it but the crew members of the fishing boat attacked the staff and dashed the back of the patrolling boat with the fishing boat. As a result five members of patrolling staff including the driver sustained injury and back side body of the patrolling boat got damaged. The crew of fishing boat and five other fishing boats threatened the patrolling staff with ill intention. Fortunately the patrolling staff managed to escape back to Babubali patrolling camp. The Range Officer, Gahirmatha WL Range has lodged FIR in Talchua Marine Police Station on 16.03.2021, copy of the FIR is enclosed as Annexure-I.

The alleged fishing boat (gillnetter) is owned by one Makhan Mandal, S/O Niranjan Mandal of Bhadrak District and got the boat registered at Dhamra fishing base vide registration no.IND-OR-01-MM-514. The said boat had been seized earlier on 14.10.2019 for fishing in Gahirmatha sanctuary and a case has been booked against the boat in 2(b)CC No. 69/19 arising out of OR Case no. 43G of 2019-20 of Gahirmatha WL Range. It was released to interim custody of the owner as per order Dated 22.01.2020 of the learned Sessions Judge, Kendrapada. The owner has also furnished an undertaking not to violate the provisions and not to enter Gahirmatha sanctuary during interim custody. Copy of the said undertaking is furnished as Annexure-II.

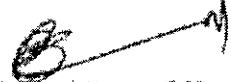
From the record it is seen that the father and brother of Makhan Mandal also possess a number of fishing boats. They are also habitual offenders as a number of cases have been booked against them for fishing in side Gahirmatha marine sanctuary. The detail of cases registered against boats of Niranjan Mandal and his other son Manas Mandal is furnished overleaf.



Date of detection	OR Case No. & Year	2(b)CC No. and Year	Name of the Trawler /Gillnetter with Registration No.	Name of the Owner of the Trawler.
30.11.2011	17G of 2011-2012	64/2011	Maa Mini Janhabai-2 IND-OR-01-MM(G)-527	Niranjan Mandal S/o-Sanatan Mandal At-Gopaljew patina PS-Banchada Dist-Bhadrak
11.02.2012	45G of 2011-2012	24/2012	Maa Sona Tarani IND-OR-01-MM-404	Niranjan Mandal S/o-Sanatan Mandal At-Gopaljew patina PS-Banchada Dist-Bhadrak
20.12.2013	97G of 2013-2014	87/2014	Maa Ralaxmi-1 IND-OR-01-MM-465	Niranjan Mandal S/o-Sanatan Mandal At-Gopaljew patina PS-Banchada Dist-Bhadrak
09.12.2014	18G of 2014-2015	85/2014	Depika-1 IND-OR-01-MM-473	Niranjan Mandal S/o-Sanatan Mandal At-Gopaljew patina PS-Banchada Dist-Bhadrak
27.10.2017	24G of 2017-2018	62/2017	Mahamaya-2 IND-OR-01-MM-857	Manas Mandal S/o-Niranjan Mandal At-Gopaljew patina PS-Banchada Dist-Bhadrak
05.12.2017	43G/2017-2018		Maa Mohalaxmi IND-OR-01-MM-448	Niranjan Mandal S/o-Sanatan Mandal At-Gopaljew patina PS-Banchada Dist-Bhadrak
12.12.2017	44G of 2017-2018		Maa Sona Tarani IND-OR-01-MM-404	Niranjan Mandal S/o-Sanatan Mandal At-Gopaljew patina PS-Banchada Dist-Bhadrak
05.12.2017	88G of 2017-2018		Maa Ralaxmi-1 IND-OR-01-MM-465	Niranjan Mandal S/o-Sanatan Mandal At-Gopaljew patina PS-Banchada Dist-Bhadrak
10.02.2019	99G of 2018-2019	19/2019	Maa Mahamaya-2 IND-OR-01-MM-857	Manas Mandal S/o-Niranjan Mandal At-Gopaljew patina PS-Banchada Dist-Bhadrak
14.10.2019	44G of 2019-2020	70/2019	Maa Bhagya laxmi-2 IND-OR-01-MM-951	Manas Mandal S/o-Niranjan Mandal At-Gopaljew patina PS-Banchada Dist-Bhadrak
02.12.2020	28G of 2020-2021	61/2020	Maa New Bhagya laxmi-2 IND-OR-01-MM-1298	Niranjan Mandal S/o-Sanatan Mandal At-Gopaljew patina PS-Banchada Dist-Bhadrak

Now patrolling in Gahirmatha is being carried out with the departmental speed boat, departmental trawler and speed boat of Bhadrak WL Division. We are trying to get the hired boat of DPCL repaired within 4-5 days to make it ready for patrolling.

This is for your information and necessary action.



Divisional Forest Officer  
Mangrove Forest Division (Wildlife)  
Rajnagar

Memo No.1869 Dated. 17.03.2021.

Copy forwarded to the Principal Chief Conservator of Forests(Wildlife) & Chief Wildlife Warden, Odisha, Bhubaneswar for favour of kind information and necessary action.



Divisional Forest Officer  
Mangrove Forest Division (Wildlife)  
Rajnagar