

**7. Application for further investigation under section 173(8)  
of Criminal Procedure Code,1973 in respect of the  
above-referred case.**

CRIMINAL CASE NO.        OF 2008

COMPLAINANT        :        1.

v/s

ACCUSED             :        1.

APPLICANT : Panjarapole / Animal Rights Protection worker

Re                : Application for further investigation under section 173(8) of  
Criminal Procedure Code,1973 in respect of the above-referred  
case.

**MAY PLEASE THE HONOURABLE COURT :**

In the above matter, the applicant above-named, most respectfully prays before this Hon'ble Court as under:-

1. That the aforesaid case has been filed under different provisions of the Prevention of Cruelty to Animals Act. Looking to the complaint filed in the instant case, the Investigating Officer is required to investigate the offence in respect of number of other important and vital aspects. That the applicant is working since years for the protection of animals and, therefore, the applicant addressed an application dated \_\_\_\_\_ to the Investigating Officer pointing out to the IO that in connection with the said criminal complaint, offence under different provisions of the different Acts are also required to be incorporated. Further, it was also pointed out therein that as per the Government Circulars, IO is required to go to the root of the offence and other persons who are also involved in the commission of the offences, and who are also required to be arraigned as (joined as ) accused and are also required to be arrested. Proper scrutiny and investigation in respect of the documentary evidence produced by the accused is also required to be made. A

copy of the said application given to IO is enclosed herewith.

2. The Hon'ble Supreme Court, in the case of **Gujarat State v/s Mirzapur Moti Kureshi Kasab Jamat, reported in 2006(2) GLH Page No.201**, has observed and held that it is the fundamental duty of each and every citizen individually as also jointly with the Government to protect the animals. In view of the decisions of the Hon'ble High Court as well as Hon'ble Supreme Court, the panjarapole has a locus standi to represent qua the animal protection. Even otherwise, as and when the question to inflict punishment on the offender arises, it is not required to be looked at (seen) under the Indian Penal Code as to who is the complainant and whether complainant has locus standi or not because due to the commission of the offence, entire society is suffering and, therefore, if any offence is committed and any person who is having information regarding commission of such offence, can file a complaint. (**A.R. Antuley v/s State, 1984 SC Page 718**).
3. As held by the the Hon'ble Supreme Court, in its decision in the case of **Hasanali Valibhai Qureshi v/s State of Gujarat, 2004(5) SCC Page 347**, it is not just and proper not to hold further investigation only on the ground that the same would cause delay. It is the duty of the IO to see that proper investigation is undertaken. In **Mustakali Mohammad Shaikh v/s State of Gujarat, 2008(1) GLH Page 414**, it has been observed that in reality, the main object of the IO is to find out the truth. The Hon'ble High Court, in the recent decision in the case of **Naroda Panjarapole v/s State of Gujarat**, in Special Criminal Application No. 1442/2007, passed order observing that IO is required to make further investigation.
4. In view of the decision of the Hon'ble Supreme Court in the case of **Bhagwan v/s State of Andhra Pradesh, (1990)5 SCC 740 = AIR 1999 SC 2332**, it has been observed and held that the Court is not required to afford an opportunity of being heard to the accused while passing the order to make further investigation.
5. For the reasons aforesaid and taking into consideration the facts of the case, since it is necessary for the IO to make further investigation qua the material and important aspects pointed out by the applicant in his application addressed to the IO and it is also necessary to find out the truth, it is respectfully prayed to pass order to make further investigation in the case in accordance with the provisions of section 173(8) of CrPC.

AHMEDABAD

DATE :