



8TH WILDLIFE PROTECTION GOVERNMENT LAW COLLEGE NATIONAL MOOT COURT COMPETITION, 2026 – 27

5th December, 2026 & 8th – 9th January, 2027

MOOT PROPOSITION

IN THE HIGH COURT OF YUMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 119 OF 2026
WITH
INTERVENTION APPLICATION NO. 7 OF 2026

Panda Bhau

...Petitioner

Versus

State of Mahagiri and Ors

...Respondents

Rawford Market Pet Shop Owners Association

...Intervenor

1. The Republic of Brilliantia (“**Brilliantia**”) is a sovereign, socialist, secular, democratic republic with a federal structure. The State of Mahagiri (“**Mahagiri**”) is one of its western coastal States. The capital of Mahagiri, the city of Yumbay (“**Yumbay**”), is the financial and entertainment capital of Brilliantia. It is home to the country's largest port, its principal stock exchange and a prolific film industry, popularly known as **Yollywood**.

2. In the heart of the old business district of Yumbay stands the Rawford Market (“**the Market**”), an enclosed heritage market built in the late nineteenth century, presently owned and maintained by the Yumbay Municipal Corporation (“**YMC**”). The Market caters to the various needs of the citizens of Yumbay and houses separate sections for fruits, vegetables, spices, dry fruits, household goods, and imported confectionery. Shops in the Market are allotted by the YMC on license.
3. One of the oldest and most frequented sections of the Market is its pet section, which occupies the rear wing of the Market and comprises about **forty-two (42)** shops. Over the years, the pet section has earned a reputation as the place where the who's who of Yumbay go to buy pets and pet supplies. With rising affluence, and the growing popularity of exotic animals as status symbols on social media, the business of sale and supply of pets at the Market has become a highly profitable one. The shop owners of the pet section are members of the Rawford Market Pet Shop Owners Association (“**the Association**”), a society registered under the Societies Registration Act, 1860.
4. Trade in wild animals in Brilliantia is regulated by the Wildlife Protection Act, 1972 (“**the Act**”), as amended in 2022. The Act, *inter alia*, prohibits the hunting of, and trade in, wild animals specified in Schedules I and II thereof. It also regulates trade in specimens listed in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“**CITES**”), which are included in Schedule IV of the Act. Under Chapter VB of the Act, read with the rules framed thereunder, persons possessing or trading in living specimens of species listed in Schedule IV are required to report and register such specimens with the Management Authority. Further, every pet shop in Brilliantia is required to be registered with the State Animal Welfare Board under the Prevention of Cruelty to Animals (Pet Shop) Rules, 2018.
5. On 9th March, 2026, the *Times of Brilliantia*, a leading national daily, carried a snippet on its city page titled “Lizard Stops Traffic at Rawford”. The snippet, along with a photograph and a link to a video, showed a large green lizard, about four feet in length, trying to cross the busy Rawford Road outside the eastern gate of the Market. The animal brought traffic to a standstill and drew a large crowd, causing quite the spectacle. It was rescued by the Yumbay Fire Brigade and handed

over to the Transit Treatment Centre of the Mahagiri Forest Department. The animal was identified as a Verdant Iguana, a species native to the foreign country of South Varoa, which is listed in Appendix II of CITES and consequently in Schedule IV of the Act. No person came forward to claim the animal and its source was never ascertained. The video went viral on social media, with several users commenting that “everyone knows where it came from”.

6. Yumbay is home to numerous social workers who take up causes of public importance and canvass against social wrongs, so that justice may take its course. One such social worker is Mr. Panda Bhau (“**the Petitioner**”), the founder of an unregistered citizens' forum called “Nyay Sena”. The Petitioner is known in the city for exposing civic irregularities through sting operations, some of which have resulted in action being taken by the authorities. He also has his share of critics, who describe him as a publicity seeker. In the year 2024, a builder had given a written application against the Petitioner at a police station, alleging that the Petitioner had demanded money for withdrawing a complaint against the builder's project. The said application was closed by the police for want of evidence.
7. Following the news of the iguana, the Petitioner decided to conduct a sting operation at the pet section of the Market. Between 20th March, 2026 and 10th April, 2026, posing as the manager of a film producer who wished to stock his private farmhouse with “rare animals”, the Petitioner visited eleven shops in the pet section on multiple occasions. He recorded his conversations with the shop owners and their staff on a pinhole camera fitted in a button of his shirt.
8. According to the Petitioner, the audio-video recordings so made show, *inter alia*, the following:
 - a. Two juvenile Kesari Star Tortoises, a species listed in Schedule I of the Act, being offered for sale at two shops;
 - b. Rosering Parakeets and Hill Shamas, bird species native to Brilliantia and listed in Schedule II of the Act, kept in cramped wooden crates at the back of four shops, with at least three dead birds visible in one of the crates;

- c. Verdant Iguanas, Crowned Pythons and Sun Conures, species listed in Schedule IV of the Act, being offered for sale without any registration documents under Chapter VB of the Act;
 - d. A shop owner stating that the “real stock” is kept in a godown in a nearby building and is delivered to customers only after dark;
 - e. A shop owner offering to source a Mahagiri Slender Loris, a species listed in Schedule I of the Act, “on order within fifteen days”, and assuring that “papers can be arranged” for any animal; and
 - f. Several shop owners boasting that their customers include “ministers and film stars” and that “nothing will happen to us”.
9. On 10th April, 2026, in order to lend credibility to his cover, the Petitioner paid a token advance of Rs. 5,000/- in cash to one of the shop owners towards the purchase of a pair of Rosering Parakeets. The Petitioner did not take delivery of the birds.
10. On 2nd May, 2026, the Petitioner addressed a written complaint directly to the Commissioner of Police, Yumbay (“**the Commissioner**”), alleging that the shop owners of the pet section of the Market had committed offences punishable, *inter alia*, under Sections 9, 39, 40, 48, 48A, and 51 of the Act and the provisions of Chapter VB thereof, and under Sections 61 (criminal conspiracy), 325 (mischief by killing or maiming an animal), and 336 (forgery) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”), read with Section 3(5) thereof. The Petitioner annexed to the complaint a pen drive containing the recordings, along with their transcripts and still photographs. He retained the original recording device with himself. The Petitioner did not approach the officer in charge of the jurisdictional police station, namely the Rawford Market Police Station, and did not give any notice to the Chief Wildlife Warden of Mahagiri.
11. The Petitioner sent reminders to the Commissioner on 20th May, 2026 and 5th June, 2026. Apart from an acknowledgement of receipt, the Petitioner received no response. No First Information Report (“**FIR**”) was registered and no outcome of any enquiry was communicated to him.

12. In the meantime, word of the sting operation spread within the Market. By the end of May 2026, the sale of the animals complained of came to a complete halt. The shops in the pet section presently deal only in dogs, cats, ornamental fish, and birds of species which are not covered by the Act. The Petitioner, however, alleges that the stock has merely been moved to undisclosed godowns and that the trade continues through social media and messaging applications on a “home delivery” basis.
13. On 18th June, 2026, acting on a separate input, a team of the Mahagiri Forest Department, led by the Range Forest Officer, conducted a surprise inspection of the pet section. As per the panchnama drawn up, no animal protected under the Act was found in any shop. No search was conducted of any godown or premises outside the Market.
14. Aggrieved by the inaction of the police, on 6th July, 2026, the Petitioner filed a Criminal Writ Petition under Article 226 of the Constitution of Brilliantia before the Hon'ble High Court of Yumbay (“**the Petition**”). The Petitioner impleaded the State of Mahagiri through the Additional Chief Secretary, Home Department, the Commissioner, the Senior Inspector of Police, Rawford Market Police Station, and the Chief Wildlife Warden of Mahagiri as Respondents. The pet shop owners were not made parties. The Petitioner prayed, *inter alia*, that the Hon'ble Court be pleased to:
- a. issue appropriate orders directing the Commissioner to forthwith register an FIR against the pet shop owners of the Market for the offences committed by them under the Act and the BNS;
 - b. direct that the investigation be carried out by a Special Investigation Team, or in the alternative, be transferred to the Wildlife Crime Control Bureau; and
 - c. pass such other orders as the Hon'ble Court may deem fit in the interest of justice.
15. On 14th July, 2026, Mr. Sher Khan, the Secretary of the Association, gave a written complaint to the Rawford Market Police Station alleging that the Petitioner had committed the offence of extortion under Section 308 of the BNS. No FIR has been registered on this complaint either.

16. Thereafter, the Association filed an Intervention Application in the Petition, contending, *inter alia*, as follows:

- a. On 22nd April, 2026, that is, after the sting operation and before the complaint, one Mr. Darius Wolf, claiming to act on behalf of the Petitioner, met Mr. Khan at a tea stall outside the Market. Mr. Wolf showed Mr. Khan a still from the sting recordings on his mobile phone and demanded a sum of Rs. 50,00,000/- for “settling the matter” and for the Petitioner not pursuing the case against the shop owners. Mr. Khan recorded this conversation on his mobile phone. When the demand was refused, the Petitioner filed his complaint ten days later.
- b. The Petitioner has approached the Hon'ble Court with unclean hands, and he who seeks equity must come with clean hands. Fraud and extortion vitiate everything, *fraus omnia corrumpit*. The Petition is nothing but an instrument of blackmail, and allowing an FIR to be registered at the instance of the Petitioner would tantamount to an abuse of the process of court.
- c. The sting operation is illegal and amounts to entrapment. The recordings are edited and doctored, and are not admissible in the absence of a certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 (“BSA”). By paying an advance towards the purchase of Rosering Parakeets, the Petitioner has himself abetted an offence under the Act, and no man can be allowed to take advantage of his own wrong, *nullus commodum capere potest de injuria sua propria*.
- d. The members of the Association are law-abiding licensees of the YMC. The inspection of the Forest Department found no protected animal in the Market, and the Petition has in any event been rendered infructuous.
- e. The registration of an FIR would cause irreparable harm to the reputation and livelihood of the members of the Association, which are protected under Articles 19(1)(g) and 21 of the Constitution of Brilliantia. No such direction can be passed without hearing them, *audi alteram partem*.

17. In his reply to the Intervention Application, the Petitioner contended, *inter alia*, as follows:

- a. The Petitioner denied having authorised Mr. Darius Wolf to make any demand on his behalf, and stated that Mr. Wolf was a former volunteer of Nyay Sena who had been expelled in the year 2025 for misconduct. The Petitioner stated that the voice in the recording relied upon by the Association is not his, and that the recording and the extortion complaint surfaced only after the Petition was filed, as a counterblast.
- b. Even assuming that the allegations against him are true, the motive of an informant is wholly irrelevant once the information discloses the commission of cognizable offences. The police are bound by law to register an FIR, and the proposed accused have no right to be heard before the registration of an FIR. Where there is a right, there is a remedy, *ubi jus ibi remedium*.
- c. The token advance was paid only as a decoy in the public interest, without any intention to acquire the birds. An act does not make one guilty unless the mind is also guilty, *actus non facit reum nisi mens sit rea*.
- d. The suspension of the trade after the sting operation does not wipe out the offences already committed, and only shows that the shop owners were aware of the illegality of their acts.

18. The State of Mahagiri and the Commissioner filed a joint affidavit in reply to the Petition, contending, *inter alia*, as follows:

- a. The complaint of the Petitioner was forwarded on 8th May, 2026 to the Senior Inspector of Police, Rawford Market Police Station, for a preliminary enquiry under Section 173(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”). The enquiry could not be completed as the police were awaiting a report from the Forest Department, and the inspection of the Forest Department found nothing.

- b. The Act is a special statute containing a complete code for the detection, search, seizure and prosecution of offences thereunder, including the requirement of a complaint under Section 55 of the Act. The Act shall prevail over the general provisions of the BNSS, *generalia specialibus non derogant*.
 - c. The Petitioner bypassed the remedies available to him under Sections 173(1) and 173(4) of the BNSS, and has an efficacious alternative remedy of approaching the jurisdictional Magistrate under Section 175(3) of the BNSS.
 - d. The extraordinary jurisdiction of the High Court under Article 226 of the Constitution of Brilliantia is discretionary, and ought not to be exercised to direct the registration of an FIR where the Petitioner has efficacious alternative remedies under the BNSS and the Petition rests on disputed questions of fact.
 - e. The allegations of political influence are bald, vague and unsupported by any material, and no person against whom such allegations are made has been made a party to the Petition.
19. The Chief Wildlife Warden of Mahagiri filed a separate affidavit, stating that no notice under clause (c) of Section 55 of the Act had been received from the Petitioner, and that the Forest Department was willing to investigate the matter if so directed by the Hon'ble Court. The affidavit also stated that the Forest Department has limited staff in the Yumbay range, that there is no dedicated wildlife crime cell in the city, and that there is presently no formal mechanism for coordination between the police and the Forest Department in respect of offences under the Act.
20. On 11th August, 2026, the Hon'ble High Court of Yumbay issued notice on the Petition and permitted the Association to participate in the proceedings, subject to the question of its locus being decided at the final hearing. The Hon'ble Court directed the Petitioner and the Association to preserve the original devices on which their respective recordings were made, and restrained all parties from making public statements on the matter.

21. The Hon'ble High Court of Yumbay has framed the following issues for consideration at the final hearing:

- a. Whether the Criminal Writ Petition filed under Article 226 of the Constitution of Brilliantia is maintainable, in light of the alternative remedies available under the BNSS and the scheme of Section 55 of the Act?
- b. Whether the Association, representing the proposed accused, is entitled to be heard at the stage of registration of an FIR; and whether the allegations of extortion against the Petitioner render the Petition an abuse of the process of court?
- c. Whether the possession or sale of Schedule IV species without registration under Chapter VB constitutes an offence punishable under the Act, in light of the voluntary disclosure scheme of 2020 and the presumption under Section 57 of the Act?
- d. Whether the material on record discloses the commission of cognizable offences under the Act and the BNS so as to make the registration of an FIR mandatory; and whether the police are competent to register and investigate offences under the Act?
- e. What directions, if any, can the Hon'ble High Court issue for the rescue and rehabilitation of the animals concerned, and for the effective enforcement of the Act against the illegal wildlife trade in Yumbay?

NOTE

1. The laws of the Republic of Brilliantia are *pari materia* to the laws of India, including the Constitution of India, the Wildlife Protection Act, 1972 as amended by the Wild Life (Protection) Amendment Act, 2022, the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023.
2. All statutes, constitutional provisions and judicial precedents of India are applicable unless stated otherwise.
3. The species named in this Moot Proposition are fictional. Their status under the Act and CITES, as stated herein, shall be taken to be correct.
4. As on the date of the final hearing, neither the recordings of the Petitioner nor the recording relied upon by the Association have been examined by any forensic laboratory.
5. Participants are not at liberty to assume facts beyond the scope of this Moot Proposition.

DISCLAIMER

The Moot Proposition of the **8th Wildlife Protection Government Law College National Moot Court Competition, 2026-27**, is an original work drafted by **Ms. Arzin Ansari**, an alumnus of Government Law College, Mumbai, Batch of 2014, currently practicing as a Counsel at the Hon'ble Bombay High Court. The Moot Proposition is the intellectual property of Government Law College, Mumbai and any reproduction, distribution, or use without prior permission is strictly prohibited.

