



2026 INSC 631

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) NOS. 59-60 OF 2026

IN

CRIMINAL APPEAL NOS. 4836-4837 OF 2024

JAYAKRISHNA MENON

...CONTEMPT PETITIONER

VERSUS

KRISHNANKUTTY
& ORS.

...CONTEMNORS/RESPONDENTS

J U D G M E N T

SATISH CHANDRA SHARMA, J.

1. The present contempt petitions have been filed by the Contempt Petitioner against the Alleged Contemnors alleging wilful disobedience of the orders dated 06.08.2025 and

21.08.2025 passed by this Court in Criminal Appeal Nos. 4836-4837 of 2024.

2. The underlying dispute *inter-se* the Contempt Petitioner and Alleged Contemnor No. 1 / Respondent No. 1 pertain to competing claims over the custody and ownership of a captive elephant named '*Raman*'. The Contempt Petitioner claims that *Raman* belongs to the Mata Amritanandamayi Mutt and only was temporarily entrusted to Respondent No. 1 for purposes of upkeep and care. Thereafter, unlawfully, Respondent No. 1 retained custody of *Raman* and asserted ownership on the strength of forged and fabricated gift deeds dated 18.02.2017 and 28.02.2017. Further, it was contended that any such transfer, even if otherwise valid *inter se* the Parties, would ultimately be rendered *void* in the absence of requisite approval under the Wildlife (Protection) Act, 1972. On the other hand, it is claimed by Respondent No. 1 that *Raman* was lawfully transferred to him by virtue of the aforesaid gift deeds and that he has been continuously maintaining and caring for the elephant for the last 10-12 years.

3. Criminal Proceedings have been initiated before the Competent Court in the State of Kerala; and Crime No. 1000 of 2023 came to be registered against Respondent No. 1 under Section(s) 406 and 420 of the Indian Penal Code, 1860 in relation

to allegations pertaining to the illegal retention and maltreatment of *Raman*. In the *interregnum*, the Contempt Petitioner filed an application under Section 451 of the Code of Criminal Procedure, 1973 (the “**CrPC**”) seeking *interim* custody of the elephant i.e., *Raman* vide CrI. M.P. No. 2146 of 2023. The issue pertaining to the *interim* custody of the elephant i.e., *Raman* travelled through various proceedings before the Trial Court; and the High Court of Kerala (the “**High Court**”). Ultimately, the issue is pending before this Court in Criminal Appeal Nos. 4836-4837 of 2024 (the “**Underlying Appeals**”).

4. During the pendency of the Underlying Appeals, this Court directed *status quo* vis-à-vis the custody of the elephant vide an order dated 22.01.2024 (which came to be extended from time to time). Subsequently, CrI. M.P. No. 168885 of 2025 dated 21.07.2025 came to be filed by the Contempt Petitioner seeking vacation of the *interim* order passed by this Court citing concerns regarding the physical condition, welfare, treatment and alleged use of the elephant i.e., *Raman* in temple festivals and other public events.

5. On 06.08.2025 in Criminal Appeal Nos. 4836-4837 of 2024, this Court whilst considering the submissions of the respective parties, passed the following order:

“The Principal Chief Conservator of Forests or the seniormost officer in the department who is in charge of wildlife conservation within the State of Kerala, shall cause inspection of the elephant and submit a report as to its health and well-being within two weeks from today.

Mr. Krishnamohan K., learned counsel appearing for the appellant, states and undertakes that the elephant would not be used for any commercial or temple activities in the meanwhile.

Re-list on 21.08.2025.”

6. On 21.08.2025, this Court took notice of the report dated 18.08.2025 submitted by the Chief Wildlife Warden, Kerala which reflected that a close examination of the elephant was not possible since the elephant was under *musth* and was very aggressive. Accordingly, this Court directed as under:

“We request the Chief Wildlife Warden, Kerala, to undertake the examination of the elephant from close quarters after the completion of its musth period and submit a report as its health and physical condition. He shall also consider the averments made in I.A. No. 168885/2025 and submit his comments in relation

thereto, in the context of the welfare and well-being of the elephant.”

7. In this factual context, the present Contempt Petition has been instituted alleging *inter alia* that despite a specific undertaking made on behalf of the Alleged Contemnor No.1 / the original Appellant as recorded in the order passed by this Court on 06.08.2025, the Alleged Contemnor / Respondent No. 1 has continued to use the elephant i.e., *Raman* in temple festivals, public processions and commercial activities – thereby wilfully disobeying the specific undertaking made before this Court. In support of its’ contention, the Contempt Petitioner placed on record several photographs, posters, social media post(s) and other publicity materials including but not limited to social media accounts and promotional social media pages whereby the commercial exploitation of the elephant i.e., *Raman* was allegedly advertised.

8. It was further contented that the State Authorities i.e., Alleged Contemnors No. 2 -9 ought to have undertaken the examination of the elephant i.e., *Raman* at close quarters in accordance with the directions passed by this Court *vide* its’ order dated 21.08.2025 in Criminal Appeal Nos. 4836-4837 of 2024. Moreso, in view of the fact that the foundational basis of the postponement of the close-quarter examination i.e., the elephant being in *musth* no longer survived. In this regard, it was contented

that the continued failure of the State Authorities to conduct the relevant examination and furnish an appropriate report would amount to deliberate and wilful disobedience of the order passed by this Court.

9. On the other hand, the Ld. Counsel appearing on behalf of Respondent No. 1 has vehemently denied the contentions raised on behalf of the Contempt Petitioner. It was submitted that the elephant was not used for any commercial or temple activities pursuant to the undertaking recorded before this Court. Further, it was submitted that the photographs, social media posts and posters sought to be relied upon by the Contempt Petitioner are either old material pre-dating the order in question; and publicity content circulated independently by the Temple Committee does not establish actual participation of the elephant in public events after the orders passed by this Court. However, it has been acceded to that on one occasion, the elephant i.e., *Raman* was taken to the temple for an event allegedly only for religious purposes owing to the absence of the originally scheduled elephant. In this regard, an unconditional apology is sought to be tendered before this Court. Finally, it was submitted that Respondent No. 1 has continuously maintained and cared for the elephant and cooperated with the relevant authorities throughout.

10. We have heard the Ld. Counsel appearing on behalf of the Parties; and perused the record.

11. Undisputedly, the underlying dispute pertains to the custody of the elephant i.e., *Raman*. The dispute has had a chequered history having travelled through the Trial Court; and the High Court in multiple rounds of proceedings. Ultimately, the Trial Court *vide* an order dated 18.12.2023 granted *interim* custody of the elephant i.e., *Raman* to the Contempt Petitioner herein pursuant to *inter alia* the execution of a bond for an amount of INR 25,00,000. Thereafter, the order passed by the Trial Court came to be assailed before the High Court by way of Criminal Misc. Case No. 7600 of 2023. Notably, *vide* an order dated 20.11.2023 in Criminal Misc. Case No. 7600 of 2023, the High Court proceeded to remand the matter to be heard afresh by the Trial Court. The said order(s) are presently under challenge before this Court in the Underlying Appeals which are yet to be decided finally.

12. In these circumstances, certain interim orders came to be passed by this Court from time-to-time to ensure the well-being of the elephant i.e., *Raman*. *Vide* an order dated 06.08.2025, this Court specifically directed the Principal Chief Conservator of Forests or the seniormost officer in-charge of wildlife conservation to conduct an inspection into the health and well-

being of the elephant in question. Further, a categorical undertaking was made before this Court that the elephant would not be used for any commercial or temple activities.

13. Albeit belatedly, a report dated 03.02.2026 has been placed on record by the State Authorities which would reveal that an inspection was sought to be conducted on 11.11.2025 unsuccessfully as the elephant in question continued to remain in *musth*; and thereafter, on 03.02.2026 the elephant in question was subjected to an inspection by a 3 (three) member committee comprising of *inter alia* (i) Chief Forest Veterinary Officer; (ii) Assistant Conservator of Forests; and (iii) Assistant Forest Veterinary Officer. Crucially, the report also observed as under:

*“Subsequently, as the elephant was not in musth, a detailed inspection was conducted on 3rd February 2026 at Chavakkad from 10:30AM to 12:30PM where the **elephant had been brought for participation in the festival ceremony of a temple near Chavakkad..**”*

14. The Respondent No. 1 filed a reply to the Contempt Petition; and also furnished written arguments which have been placed on record. While the reply filed by the Respondent No. 1 is silent vis-à-vis the breach of undertaking made before this Court, Respondent No. 1 has admitted in its' written arguments

that the elephant in question i.e., *Raman* was in fact used in a procession linked to temple activities. The relevant paragraph is reproduced as under:

“16. Without prejudice to the aforesaid submissions, it is most humbly submitted that there was only a single isolated instance where, after the elephant emerged from the musth period, veterinary doctors advised that Uttoly Raman should be taken for walks in the interest of his physical recovery and well-being. During that period, another elephant named "Mahadevan," which had been scheduled to participate in a temple ritual, suddenly fell ill and was unable to attend the ceremony as evident from the medical records..... In view of the deep-rooted religious sentiments and beliefs of the devotees that in the absence of an elephant during the ritual would invite the "sharap" (curse/displeasure) of the deity, the temple authorities requested Respondent No. 1/Contemnor No. 1, being a known caretaker of elephants, to permit Uttoly Raman to be present for a brief ceremonial ritual. The elephant was accordingly taken only for a limited period solely to satisfy the religious ritual and not for any parade, procession, or commercial exploitation.

17. It is most respectfully submitted that Respondent No. 1/Contemnor No. 1 tenders unconditional apology before this Hon'ble Court in the event the aforesaid isolated act is perceived as contravention of the orders passed by this Hon'ble Court. It is submitted that there was never any deliberate, intentional, or wilful disobedience of the orders of this Hon'ble Court, and the act was done solely in view of veterinary advice [walking] and the religious sentiments associated with the temple ritual [temple premise presence].”

15. Thus, it is evidently clear that the elephant in question i.e., *Raman* was indeed taken out and used towards ceremonial processions and rituals in defiance of the undertaking made on behalf of Respondent No. 1 before this Court.

16. It is truly unfortunate that the elephant in question i.e., *Raman*, who also happens to be the tallest elephant in the State of Kerala has been subjected to commercial exploitation despite an order restraining such exploitation, that too on the strength of an undertaking made before this Court. We would be failing in our duty towards the voiceless, if we turn a blind eye towards such defiance. We cannot be a mute spectator, more so in matters pertaining to voiceless animals, whose wellbeing is also of paramount importance.

17. Therefore in the given circumstances, where the issue pertaining to the custody of the elephant in question is yet to be decided finally; and with a view to prioritise the health and overall well-being of the elephant in question, this Court deems it appropriate to direct the State of Kerala to take over the custody of the elephant in question i.e., *Raman*; and house it in an appropriate rescue / rehabilitation centre. It is clarified that the aforesaid arrangement is only temporary; and will be subject to the final orders passed by this Court in respect of the issue of *interim* custody pending adjudication in the Underlying Appeals.

18. The State of Kerala may also proceed to temporarily care for the elephant at its' own expense, in which case, it may pass appropriate administrative orders in accordance with the statutory safeguards enshrined under the Wildlife (Protection) Act, 1972.

19. In view of the aforesaid; and having arrived at a conclusion that Respondent No. 1 has wilfully disobeyed its' undertaking made before this Court and caused the participation of the elephant in question i.e., *Raman* in temple / commercial activities during the subsistence of the order passed by this Court, we unhesitatingly hold Respondent No. 1 guilty of contempt of Court. However, in the interest of justice, we deem it appropriate only to impose a fine of INR 2000 on Respondent No. 1, the same

is ordered accordingly. The Respondent No. 1 is directed to deposit the fine with the registry of this Court within a period of 4 (four) weeks.

20. On the other hand, we find that the State Authorities did make an endeavour to conduct the medical inspection of the elephant in question in November, 2025 however, the elephant continued to remain in *musth*. Albeit belatedly, the inspection was finally conducted on 03.02.2026 – in view of the same, we do not find that the State Authorities i.e., Respondent Nos. 2-9 wilfully disobeyed our orders, accordingly, they are discharged from the present contempt proceedings.

21. The contempt petitions stand disposed of in the above terms. Pending application(s), if any, shall also stand disposed of.

.....J.
[DIPANKAR DATTA]

.....J.
[SATISH CHANDRA SHARMA]

NEW DELHI
June 09, 2026.