

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.3308 OF 2015

Jaishree Ashok Gavhane,
Age 55 years, Occu. Household,
R/o Near Vithal Mandir, Manwat,
Taluka Manwat, District Parbhani

..Applicant

Versus

The State of Maharashtra
through Police Station,
Shrirampur (City), Taluka
Shrirampur, Dist. Ahmednagar

..Respondent

Mr R.A. Tambe, Advocate for applicant
Mrs B.B. Gunjal, A.P.P. for respondent

- WITH -

CRIMINAL APPLICATION NO.3310 OF 2015

Sonrao s/o Bhaurao Kachave,
Age 65 years, Occu. Labourer,
R/o 154, Dahidi, Old Malegaon,
Taluka Malegaon, Dist. Nashik

..Applicant

Versus

The State of Maharashtra
through Police Station,
Shrirampur (City), Taluka
Shrirampur, Dist. Ahmednagar

..Respondent

Mr R.A. Tambe, Advocate for applicant
Mrs B.B. Gunjal, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 26th August 2015

PER COURT

Heard.

2. In both these applications the claim of the applicants was that when the learned Magistrate rejected the prayer for custody under the Immoral Traffic (Prevention) Act, 1956, the applicants were unable to present themselves for inquiry. According to applicants, now they are ready and willing to present themselves for inquiry before the learned Magistrate along with sufficient documentary evidence and along with steps to be taken as regards the rehabilitation of the said victims.

3. In view thereof, the orders impugned in Criminal Application No.3308 of 2015 dated 18th May 2015 passed by the Judicial Magistrate, First Class Court No.1, Shrirampur below Criminal Misc. Application No.234/2015 and the order dated 9th June 2015 passed by Additional Sessions Judge, Shrirampur in Criminal Appeal No.20/2015 and the orders impugned in Criminal Application No.3310 of 2015 dated 11th May 2015 passed by the Judicial Magistrate, First Class, Court No.1, Shrirampur below Criminal Misc. Application No.218/2015 and the order dated 9th June 2015 passed by the Additional Sessions Judge, Shrirampur in Criminal Appeal No.23/2015, are hereby quashed and set aside. The applications for custody preferred under Section 17 of the Immoral Traffic (Prevention) Act, 1956 are restored to the file of learned Judicial Magistrate, First Class, Shrirampur who is directed to decide the same in accordance with law.

4. With these directions, both the Criminal Applications stand disposed of.

(N.W. SAMBRE, J.)