

hvn

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 972 OF 2015**

Smt. Savita Suratsingh Hazare

... Petitioner

Versus

The State of Maharashtra

... Respondent

Smt. Anjali Patil for the petitioner.

Smt. A.A. Mane, A.P.P. for the State.

Mr. S.R. Bhosale, P.S.I. Present from Bhandup Police Station.

**CORAM : M.L. TAHALIYANI, J.
DATED : APRIL 21, 2015**

P.C.

Admit. Heard finally.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The applicant is aggrieved by the order passed by the learned Special Metropolitan Magistrate appointed under Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as the "Act"). Some of the persons were prosecuted for the offence under the said Act in Criminal Case No. 54/PW/2014. At the time of judgment and final order, the learned

Magistrate has directed that the brothels at room no. 2 and other rooms should stand attached under section 18(2) of the Act.

4. The grievance of the petitioner is that her room has been attached though it was not involved in the offence. It is submitted by Smt. Patil that there is no description of room no. 2 Sachadeva Chawl anywhere in the evidence of the witnesses. Learned A.P.P. has not been able to tell the court as to how room no.2 has come on record. Neither the panchnama nor the evidence of witnesses state that room no. 2 was being used as brothel. It appears that the learned Magistrate has passed an order mechanically without bothering that the persons in possession of room no.2 will be dispossessed because of his arbitrary order. Such order cannot be allowed to be sustained and needs to be set aside. The order passed by the learned Magistrate in the Judgment in Criminal Case No.54/PW/2014 directing attachment of room no.2 of Sachadeva Chawl stands quashed. If the room is sealed, the seal shall be removed. Writ petition stands disposed of.

(JUDGE)