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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3542 OF 2014**

Suresh Anand Sukale

... Petitioner

Versus

The State of Maharashtra

... Respondent

Mr. P.R. Dave for the petitioner.

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

**CORAM : M.L. TAHALIYANI, J.
DATED : JUNE 26, 2015**

P.C.

Admit. Heard forthwith.

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

3. The applicant is aggrieved by the order of attachment passed by learned Magistrate under section 18(2) of the Immoral Traffic (Prevention) Act, 1956. The premises were ordered to be sealed as the Magistrate found that the same were used as brothel. It is stated that the Magistrate did not verify the present possession. Affidavit of the State reveal that at present the premises are being used by one Nithin Shah for running his Lottery business.

Thus it is clear that the premises are not being used as brothel at present.

4. In view thereof, the petition is allowed.

The order passed by the learned Magistrate directing attachment of 360, Sharada Bhavan, Room No. 1, Ground Floor, Girgaon, Mumbai 04 is set aside. It is made clear that this order does not create any right or interest over the property in favour of the petitioner.

(JUDGE)