

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION NO. 430 OF 2015

Firoza Iqbal Shaikh @ Firoza Aapchar Moula	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Anjali Patil, Advocate for the applicant.

Mr. Arfan Sait, APP, for the State.

Mr. kDayanand Chougule, P.I. Of D.B. Marg Police Station, present.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 21st October, 2015.

P.C.

The applicant herein was rescued in C.R. No.161 of 2015.

She was sent to Navjivan Mahila Vastigraha to Deonar. The learned Magistrate had ordered that the applicant be detained in Navjivan Mahila Vastigraha for a period of one year. The order was passed on 1.8.2015. on 19.8.2015, the victim-applicant has been transferred to the rescue home at Nagpur. The applicant herein had filed an application seeking her release from the rescue home. The said application was rejected on 1.8.2015.

2. Being aggrieved by the said order, the applicant herein had filed Criminal Appeal No.733 of 2015. Upon perusal of the order of the appellate Court, it appears that the brother of the applicant was before the Court and had requested the Magistrate to give her custody. The learned

appellate Court has dismissed the appeal on the ground that she is a young girl and she needs an opportunity to be rehabilitated. According to the appellate Court, the victims who are rescued in such cases are given vocational training in the rescue home to enable them to earn their livelihood.

3. The learned counsel for the applicant rightly submits that the victims who are rescued are only transferred from one rescue home to another. No vocational training is given. That according to the learned counsel for the applicant, even if the vocational training is given no such report is filed before the Magistrate and therefore the Court fails to ascertain as to whether the purpose for which the girls have been rescued has been fulfilled.

4. That before the learned Magistrate, the brother of the applicant sought custody. Today, the father of the applicant Molya Apchar is present before this Court. He desires to take the responsibility of his daughter. He is willing to give an undertaking that she would not be exposed to flesh trade once again. It appears that since the custody of the victim is to be given, there must be proper enquiry about the identity of the father. However, the person present before the Court claims to be her father on the basis of identity card issued by the Election Commission of India and the Ration Card.

5 The learned counsel for the applicant submits that there is no doubt that the present person who has appeared as father of the victim is the father of the victim. However, it is necessary the order of release in favour of the father has to be passed by the learned Magistrate after enquiry and after obtaining an undertaking. The father of the applicant namely Moly is permitted to approach the Court of learned magistrate, 54th Court, Mazgaon to file an application seeking custody of his daughter i.e. the present applicant. The learned magistrate is directed to decide the application and make necessary arrangements giving the custody of the applicant to her father on or before 30.10.2015. The learned Magistrate should interview the person who appears to be the father of the victim. The learned Magistrate shall take into consideration the photographs as well as other documents being relied upon by the father of the applicant. The father of the applicant shall be directed to give an undertaking that he shall take care of his daughter i.e. the applicant and see to it that she is not exposed to flesh trade.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)