

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 441 OF 2015

Pinky Dinu Rajvanshi and anotherApplicants

V/s.

The State of MaharashtraRespondent

Mrs. Anjali Patil a/w Mr. Arun Rajput for Applicant
Mr. D. R. More APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : OCTOBER 19, 2015.

PC :

Heard.

- 2) Rule. Rule made returnable forthwith with the consent of the parties.
- 3) Applicant herein happens to be victim in a case under the provisions of The Immoral Traffic (Prevention) Act, 1956 (ITPA) and crime no. 209 of 2015 was registered against the accused. Applicant happens to be victim who was rescued from brothel in crime no. 209 of 2015. Applicant was sent to Navjeevan Mahila Vastigruh, Deonar. Applicant was produced before the Magistrate. Learned Magistrate by an order dated 04/06/2015 had noticed that present applicant happens to be an HIV affected victim. Learned Magistrate in the interest of justice had directed the Superintendent of Police, Navjeevan Mahila Vastigruh, Deonar to provide treatment for HIV to the present

ism

applicants.

4) Applicants herein had filed criminal appeal no. 546 of 2015 seeking their release from Navjeevan Mahila Vastigruh, Deonar. Learned Appellate Court has observed that upon enquiry it was reliably learnt that present applicant no. 1 has a mother, but she is not financially sound and cannot take care of the victim. Same observations are made by the Appellate Court as far as applicant no. 2 is concerned. It was observed that since parents are not financially sound to take care of the victims, applicants in the interest of justice to be detained in the rescue home with specific directions to take care of them.

5) Learned counsel for the applicants submits that since applicants are HIV infected, medical treatment is not sufficient and they need to be taken mentally care of. They need love and care from their parents and therefore, she prays that victims be released and be given in custody of their parents. However, parents had not filed affidavit before learned Magistrate. It is not known whether there was proper enquiry in respect of the identity of the parents.

6) In view of this, matter is remanded to the Court learned Metropolitan

ism

Magistrate, 15th Court, Mazgaon, Mumbai. Learned Magistrate shall enquire into the identity of the parents of the applicants. Learned Magistrate shall direct the parents to file an affidavit that they would take care of the victims. That they shall also give an undertaking that applicants would not be exposed to the society in the same profession. Learned Magistrate is directed to hear the petitions and dispose of the same within one week from the date of receipt of this order.

- 7) Rule made absolute in the above terms.
- 8) Revision application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)