

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.420 OF 2015

Anju Umarali Shaikh	.. Petitioner
Versus	
State of Maharashtra & Anr.	.. Respondents

WITH

WRIT PETITION NO.421 OF 2015

Madhavi Adimal Mondal	.. Petitioner
Versus	
State of Maharashtra & Anr.	.. Respondents

WITH

WRIT PETITION NO.422 OF 2015

Munnirani Sujit Rai	.. Petitioner
Versus	
State of Maharashtra & Anr.	.. Respondents

WITH

WRIT PETITION NO.423 OF 2015

Safiya Sirajul Islam	.. Petitioner
-Versus-	
The State of Maharashtra & Anr.	.. Respondents

Ms. Anjali Patil for petitioners
Mr.V.B.K.Deshmukh, APP for State.

WITH

REVISION APPLICATION NO.412 OF 2014

Farida Sandip Sodi @ Farida Julmad Maji .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.Shaikh Zakir Hussain i/b. M.A.Ansari for applicant
Mrs.A.A.Mane, APP for State.

CORAM : M.L.TAHALIYANI, J.

DATE : 20th April 2015.

P.C.

1] Heard. Admit. Heard finally by consent of the learned Counsel for the petitioners and the learned APP.

2] All these petitioners are detained under the orders of the Magistrate passed under section 17 of the Immoral Traffic Prevention Act. In the appeals filed by the petitioners, the learned Additional Sessions Judge was pleased to direct the Magistrate to hand over the petitioners to the custody of their relatives, if their relatives are found to be genuine. Alternative direction given to the Magistrate was to send the petitioners to NGOs. All the petitioners are lodged with Lilwa, at Howrah West Bengal.

3] Ms.Patil and Mr.Zakir Hussain, learned Counsel for the petitioners submitted that the very purpose of section 17 is frustrated by keeping the petitioners idle for about six months at Mumbai at NGO Navjeevan Mahila Vasatigriha, Deonar, where no formal training was imparted. The affidavit filed by Navjeevan does not disclose as to whether any formal training was being provided to the petitioners/ applicants at Navjeevan. As such the affidavit filed by the Superintendent, Navjeevan does not indicate that any of the petitioners were given any formal training at Navjeevan and that they are further engaged in any vocational training at the NGO, Lilwa. As such it is kind of detention without any work. This may cause great frustration in the minds of petitioners and the very purpose of section 17 will not be served by keeping them under detention without any formal vocational training. The Superintendent, Navjeevan or the Police Officer both are unable to inform the court as to what further scheme they have drawn up for the welfare of the detained petitioners. In view thereof, in my opinion, the orders passed by the Magistrate need to be set aside and the petitioners deserved to be set at liberty so that they can go to their respective relatives. Hence, I pass the following order:-

- (a) All the petitions and Revision application are allowed;
- (b) The order passed by the Judicial Magistrate, 54th Court, Mazgaon directing detention of the petitioners in NGOs is set aside and the petitioners be set at liberty forthwith;
- (c) The learned Counsel for the petitioners are at liberty to obtain authenticated copy of this order and deliver the same to the Superintendent, Navjeevan and thereafter the Superintendent, Navjeevan shall forward one copy of the order to NGO Lilwa, Howrah, West Bengal who shall act on the order.

(M.L.TAHALIYANI, J.)