

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.501 of 2012

(Ashabai Kalicharan Kesiya

vs.

The State of Maharashtra, through Commissioner of Police, Nagpur)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

Mr. T.A. Mirza, A.P.P. for the Respondent.

CORAM : A.B. CHAUDHARI & P.N. DESHMUKH, JJ.

DATE : FEBRUARY 13, 2015.

None appears for the petitioner. On 04/02/2015 also, the petitioner and her Counsel remained absent.

The impugned order was passed by the Commissioner of Police, Nagpur by taking recourse of Section 18(1)(b) of the Immoral Traffic (Prevention) Act, 1956 thereby prohibiting the petitioner from operating any activity of prostitution in her house and sealing her house for a period of three years from the date of the order.

We have perused the impugned order. The impugned order clearly shows that the report filed by a lady Police Inspector attached to PITA Section, Crime Branch, Nagpur was duly considered by the Commissioner of Police. On perusal of the reasons given by the Commissioner of Police, we find that there is neither any perversity nor lack of evidence for making

the order. On the contrary, the Commissioner has relied upon the report dated 19/07/2012 filed by the lady Police Inspector clearly indicating the role of the applicant, who was running prostitution in her residential house and, therefore, he came to the conclusion that the impugned order was required to be passed to prohibit further commission of the offences under the PITA Act. The perusal of the order further shows that the minor girls numbering 4 and major girls numbering 3, total 7 girls were locked in the house of the petitioner for conducting the prostitution.

We are of the opinion that the finding of facts recorded by the Commissioner of Police as a quasi judicial authority, who passed the impugned order, is not perverse and, therefore, we have no reason to interfere with the same. It is not possible for us in an extra ordinary writ jurisdiction to interfere in the finding of facts. As it is the order operating for a period of three years, which ends in September, 2015 and the major period has already been passed, we make the following order.

ORDER

Criminal Writ Petition No. 501/2012 is dismissed.

JUDGE

JUDGE

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