

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.177 OF 2015

ORDER:

The above Revision is filed under Sections 397 and 401 Cr.P.C. aggrieved by the order dated 02.01.2015 passed in Criminal Appeal No.1171 of 2014 on the file of the V Additional Metropolitan Sessions Judge (Mahila Court) at Hyderabad, wherein the order of the trial Court in Crl.M.P.No.1396 of 2014 on the file of the Spl. Judicial First Class Magistrate for Excise Cases, Hyderabad, was confirmed.

The facts in issue are as under :

An application for custody of the victim girl by name Md.Sony Devasi @ Madhu @ Syed Soni was filed by the petitioner herein under Section 17-A of Prevention of Immoral Traffic Act. The trial court after considering the material on record dismissed the application and directed the victim woman to be placed in care and custody of Prajwala, protective home, recognized under Section 21 of the Act, for a period of one year from the date of initial admission i.e., 18.08.2014. Challenging the same, the petitioner herein who claims himself to be the husband of the victim woman filed Criminal Appeal No.1171 of 2014. The said appeal was dismissed confirming the orders passed by the trial court. Aggrieved by the same, the present Revision is filed.

It is the case of prosecution that on 17.08.2014 the investigating agency received credible information that one R.Vijayalakshmi was running a dubious massage centre by hiring female sex workers in the name and style of Sana Ayurvedic Physiotherapy Centre, in the premises bearing No.1-2-397 and 398, Gagan Mhaal Colony, Domalguda. Basing on the information, the Police Officers raided the premises and found two male and two female sex workers present in

the premises. Their investigation revealed that the accused therein was running a brothel house with the help of victim and others. After examining the victim girl, the trial court sent the victim to Prajwala Home, which is social organization recognized by Government of Andhra Pradesh. Pending the said proceedings, the trial court called for the investigation report from Prajwala Home. The report revealed that the agency was not able to identify the address given by the petitioner herein and in fact their enquiries revealed that no such address was in the existence. The plea taken by the victim woman was that while she was returning from Dentist, she was arrested by the police and implicated in the case. The said ground was rejected by the trial court and as well as the lower appellate court as she failed to produce any document showing that she took treatment at Dentist. In fact she did not furnish the name of the Doctor where she took treatment. Insofar as the custody of the victim woman is concerned, the petitioner claims himself to be the husband of the victim girl and hence seeks custody. But as stated earlier, pursuant to an order made by the Court, Prajwala Home investigated into the address given by the petitioner and found that no such address was in existence. The petitioner tried to contend before the trial court that since he has changed the address the agency was not in a position to find out his whereabouts. But the trial court as well as the lower appellate court found that the plea of the petitioner with regard to the change in address is absolutely false. The application for custody was filed on 22.08.2014 mentioning the address. The court held that if there was any change in address, nothing prevented the petitioner to intimate the same by filing a memo when he was aware that the court has sought for a report from Prajwala Home. Similarly the court also found that the address given by the petitioner in the Aadhar card and Voter card are different. Since the petitioner did not come to the court with clean hands with a request for custody of the victim woman, the same was

rejected. The present Revision is filed challenging the said order.

The learned counsel for the petitioner submits that the petitioner is the husband of the alleged victim and that he will definitely take care of his wife. He submits that due to harassment from police, he was forced to change his address and he is now living in the address mentioned in the cause title i.e., at PT-261, Dattatreyanagar, Hizzath Nagar, Serilingampally, Ranga Reddy District. He further submits that the children are put to great inconvenience because of the impugned order. On 09.02.2015, this Court called for a report from Prajwala Rescue Home after examining the victim girl. On 25.02.2015 the said Prajwala Rescue Home sent a report stating that the victim was aggressive and she involved in the act of vandalism and attempt to murder two of their staff, which lead to registration of a case in Crime No.222 of 2014 of Amangal P.S., Mahaboobnagar for various offences. It is stated that she was kept in District Jail, Mahaboobnagar and later shifted to another Home at Wanaparthy.

Since the address given by the petitioner in Aadhar card, Ration card are in consistent the Public Prosecutor was directed to find out as to whether really the petitioner is the husband of the victim woman and whether he is really staying in the address mentioned above. On 13.03.2015 the Public Prosecutor on instructions stated that the petitioner is living at Hizzath Nagar, Serilingampally along with his children. In view of the above, this Court is of the opinion that custody of the victim woman by name Md. Sony Devasi @ Madhu @ Syed Soni may be handed over to the petitioner on certain terms and conditions.

Accordingly, the Criminal Revision is allowed granting custody of victim woman by name Md. Sony Devasi @ Madhu @ Syed Soni to the petitioner herein. The victim woman and the petitioner shall make

themselves available to the police as and when required by them. The victim woman shall be released from the rescue home if she is not required in any other case.

As a sequel to it, miscellaneous petitions pending if any in this Criminal Revision, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 16 .03.2015

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