

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO.364 OF 2016

Anjali Bijan Naskal & Ors. ... **Applicants**
V/s.

The State of Maharashtra ... **Respondent**

....

Mr.Sunny Singh, Advocate for the Applicants.

Mr.S.V. Gavand, APP for the Respondent/State.

Mr.Kadam, PSI, D.B.Marg Police Station is present.

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CORAM : P. N. DESHMUKH J.

DATED : 15th OCTOBER 2016.

P.C.

1 Learned counsel for the applicants seeks leave to amend prayer clause seeking custody of applicants. Leave, as prayed, is allowed. Amendment be carried out forthwith.

2 Learned Additional Public Prosecutor has placed on record Verification Report of Police Inspector, D.B.Marg Police Station dated 01/10/2016 and has contended that documents placed on record by applicants are genuine. Report is taken on record and marked as "X" for identification.

3 Heard learned counsel for both the sides.

4 This Revision takes exception to the order passed by the

learned Metropolitan Magistrate dated 11/04/2016 against which appeal preferred was dismissed. In this Revision challenges are pertaining to the detention of applicants for a period of one from the date of order for their Care, Protection Shelter and Training in some Vocational Course.

5 Pending the Revision application, applicants have placed on record affidavit of fathers of respective applicants wherein it is stated on oath that the applicants are their respective daughters, who are rescued in a raid conducted by D.B.Marg Police Station and are presently at Liluha Rescue Home, Calcutta at Hawrah, Kolkata and in the present Revision prays for release of applicants. The deponents being biological fathers of the applicants have undertaken to take custody of the applicants with further undertaking that applicants shall not indulge in the same business again.

6 As per the directions of the Court, affidavits and documents placed on record are duly verified by D.B.Marg Police Station and as per its report dated 01/10/2016 all the documents and contents of affidavits are stated to be genuine and truthful. Having regard to the facts, as aforesaid, Revision Application is liable to be allowed as per order below :

- (i) Impugned order dated 11/04/2016 passed by the 54th Metropolitan Magistrate, Special Court for ITPA passed in Special Lac No.15 of 2016 is quashed and set aside.

- (ii) Applicant Nos.1,2 and 3 shall be given into custody of their respective fathers, who have filed their affidavits on record on confirming their identity.

(P. N. DESHMUKH J.)