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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.483 OF 2015

Priya Gopal Saha

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms.Anjali Patil, for the Applicant

Mr.A.S.Shitole A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 17th JUNE, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal at the stage of admission. Learned APP waives service on behalf of Respondent - State.
3. By this application the applicant seeks quashing of the impugned order dated 21st August, 2015, passed by the learned

Metropolitan Magistrate, 54th Special Court for ITPA, Mazgaon, Mumbai in R.A.No.60/2015 in C.R.No.187 of 2015, as well as the order dated 3rd October, 2015, passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai in Criminal Appeal No.790 of 2015 and has sought her release from the Navjeevan Mahila Vasatigruha, Deonar, Mumbai.

4. The applicant along with other victim girls was rescued by the D.B.Marg Police Station, in a raid conducted in C.R.No.187 of 2015. When the victim girls were produced before the Magistrate, some of them came to be released pursuant to an undertaking, whereas some were detained (the applicant being one of them). The learned Metropolitan Magistrate, 54th Special Court for ITPA, Mazgaon, Mumbai, vide order dated 21st August, 2015, detained the applicant for a period of one year from the date of order for her care, protection, shelter and training in some vocational course. The Superintendent of Navjeevan Mahila Vasatigruha was directed vide the said order, to take necessary steps with the help of Prayas for training and rehabilitating the applicant, keeping in mind her interests.

5. Learned Counsel for the applicant submits that the applicant is aged 28 years, she is unmarried and has no parents and was residing with her maternal sister at Kamathipura since birth. She submits that the applicant is a permanent resident of Mumbai. She has relied on the Adhar Card for proof of the applicant's residence, which is annexed to the application. She submits that the applicant is ready to give an undertaking that she will not indulge in similar activities in future. She further submits that the applicant is competent and capable of looking after herself. Learned Counsel further submits that the mandatory provisions of Section 17 of the Immoral Traffic (Prevention) Act, 1956 have not been complied with by the Trial Court before the impugned order dated 21st August, 2015 was passed.

6. As there was a dispute, whether the applicant had filed the aforesaid application or not, the Superintendent of Navjeevan Mahila Vasatigruha, was directed vide order dated 15th June, 2016, to produce the applicant – Priya Gopal Saha before this Court today. Accordingly, the applicant is present today. She states that she has filed the aforesaid application seeking her release from the Navjeevan Mahila Vasatigruha.

7. Learned APP states that the applicant has been given vocational training by Navjeevan Mahila Vasatigruha, Deonar. He states that the applicant has undergone various training courses like Stitching, Bharat Kaam, Beauty Treatment, Paper Bags Making, Jewellery Making, Gardening, Fancy Bag Making, Paper Dish Making etc., in Navjeevan Mahila Vasatigruha. The learned APP has filed an affidavit setting out the aforesaid facts.

8. Perused the papers. Investigation is complete and charge-sheet is filed. It appears from the statement of the applicant (victim girl) that she had voluntarily indulged in prostitution and was not forced by any person. It appears that the applicant, is a major and is capable and competent to take care of herself. From a perusal of the impugned orders it appears that the said orders were passed as the applicant had no parents and as she was unmarried.

9. Be that as it may, the applicant has been detained for one year and has been in the rescue home for more than 10 months. Considering the

overall facts of this case, and in view of the fact that the applicant is a major and that she is ready to give an undertaking that she will not indulge in similar activities in future, the application is allowed on the following terms and conditions:-

ORDER

- (i) The impugned order dated 21st August, 2015, passed by the learned Metropolitan Magistrate, 54th Special Court for ITPA, Mazgaon, Mumbai in R.A.No.60/2015 in C.R.No.187 of 2015 and confirmed by the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai, vide order dated 3rd October, 2015, passed in Criminal Appeal No.790 of 2015 are quashed and set aside;
- (ii) The applicant is enlarged and set free from Navjeevan Mahila Vasatigruha, Deonar, Mumbai forthwith;
- (iii) The applicant shall give an undertaking that she will not indulge in similar offences in future. The undertaking to also state the address where the applicant will be residing. The said undertaking shall be filed by the Applicant, in the Trial Court, within one week from today;
- (iv) The applicant to remain present before the Trial Court at the time of trial, on the date of recording of her evidence.

10. Rule is made absolute in above terms.
11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.