

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL PETITION No.3016 OF 2016

ORDER:

This Criminal is filed by the petitioner, under Section 482 Cr.P.C., challenging the order, dated 15.10.2015, passed in M.C. No.29 of 2015, passed by the Sub-Divisional Magistrate, Visakhapatnam, whereby the Sub-Divisional Magistrate has ordered for confiscation of the house of the petitioner.

Heard and perused the material available on record.

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The brief facts of the case are that the petitioner has given his house bearing No.48-341/2, Rama Talkies Road, Srinagar, Visakhapatnam, on monthly rent to the accused, but a case in Crime No.235 of 2015 of IV Town Police Station, Visakhapatnam, for the offences punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention Act), was registered against the accused, alleging that they are running a brothel house in the said house and therefore, the 2nd respondent ordered for confiscation of the house, after following the procedure, since the petitioner is also having knowledge of it.

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Learned counsel for the petitioner submitted that the accused persons took the house on rental basis for the purpose of facilitating their children for studies and that the petitioner has no knowledge about the illegal activities being run by the accused in the said house as he is living away from the said house.

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Considering the facts and circumstances of the case and also taking into consideration the submissions of the learned counsel for the petitioner, the order, dated 15.10.2015, passed in M.C. No.29 of 2015, passed by the Sub-Divisional Magistrate, Visakhapatnam, is set aside.

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Accordingly, the Criminal Petition is allowed. Consequently,
miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

March 21, 2016.
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