

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.2455 OF 2016

ORDER:

This revision case is filed by the petitioner under Sections 397 and 401 of the Code of Criminal Procedure challenging the order dated 24.09.2015 in MC.No.15 of 2015 on the file of the Sub-Divisional Magistrate, Visakhapatnam.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. A perusal of the record reveals that the petitioner herein is the owner of the house bearing Door No.28-21-1, S-1, near 8 Wonders Show Room, Jagadamba, Visakhapatnam. The petitioner let out the premises to one Smt. Ganireddy Ratnam. On 06.04.2015, the police raided the house in question and found that Ganireddy Ratnam has been using the premises for the purpose of running brothel house. The police registered a case in Crime No.148 of 2015 against the said Ganireddy Ratnam and others for the offences punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 ("the Act" for brevity). While so, the Sub-Divisional Magistrate, Visakhapatnam passed an order on 24.09.2015 attaching the house of the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner is not an accused in Crime No.148 of 2015. The said fact is not denied by the learned Public Prosecutor. Even as per the allegations made in the complaint, no female child was found in the house on 06.04.2015. Learned counsel for the petitioner submitted that the attachment order is valid for a period of one year from the date of attachment. To

substantiate her argument, she has drawn the attention of this Court to sub-Section 3 of Section 18 of the Act. A perusal of the same reveals that the attachment order would be valid for a period of one year. Admittedly, the attachment order was passed on 24.09.2015 i.e., more than one year back. It is not the case of the prosecution that the petitioner let out premises for the purpose of running a brothel house. It is not the case of the prosecution that the petitioner is aware of the activities carried on by her tenant.

5. Taking into consideration the facts and circumstances of the case and sub-Section 3 of Section 18 of the Act, it is a fit case to allow the revision.

6. In the result, the Criminal Revision Case is allowed setting aside the order dated 24.09.2016 in M.C.No.15 of 2015. The Tahsildar, Visakhapatnam Urban and the Inspector of Police, II Town Police Station, Visakhapatnam are hereby directed to handover the keys of the house to the petitioner on production of a copy of this order. Miscellaneous petitions, if any pending in this criminal revision case, shall stand closed.

(T.SUNIL CHOWDARY, J)

28th November 2016
RRB