

-
-
-
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

-
CRL.P.NO.8270 OF 2016

-
ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent – State.

2. This petition is filed under Section 482 Cr.P.C. challenging the order dated 13.5.2016 passed by the Sub Divisional Magistrate and Revenue Divisional Officer, Visakhapatnam in M.C.No.11/2013 whereby the Sub Divisional Magistrate, has ordered for confiscation of the house of the petitioner.

3. The case of the petitioner is that he is the owner of house bearing Door No.1-1-87/4, Raj VUDA Apartment, Sector-I, MVP Colony, Visakhapatnam. He has given the said house to the accused - Smt. Bhavani on a monthly rent of Rs.5,000/-, but a case in Cr.No.354/2015 under Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act,, 1956 was registered on the file of III Town Police Station Visakhapatnam, alleging that the accused are running a brothel house in the said house and, therefore, the Sub Divisional Magistrate, Visakhapatnam ordered for confiscation of the house after following the procedure, attributing knowledge to the petitioner.

4. The learned counsel for the petitioner submitted that the accused have taken the house on rent informing that she is

doing is real estate business and that her son-law is a bike Mechanic 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.

5. Considering the facts and circumstances of the case and also taking into consideration the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor, and as this court in similar facts and circumstances in CrI.P.No.3016 of 2016 dated 21.3.2016 has allowed the petition by setting aside the confiscation order therein, the order dated 13.5.2016 passed by the Sub Divisional Magistrate and Revenue Divisional Officer, Visakhapatnam in M.C.No.11/2013 is set aside and the criminal petition is accordingly allowed. No costs.

6. Miscellaneous petitions pending if any, shall stand closed.

M.S.K.JAISWAL,J

DATE:14.6.2016

AVS