

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 30 OF 2017

Rinku Kanhaiya Karmavat @ Rinku
Kanhaiya Lal Karma

....Petitioner

Vs.

The State of Maharashtra

... Respondent

Mr. Satyavrat Joshi i/b Mr. Jaydeep Mane Advocate for Petitioner
Ms. Pallavi Dabholkar APP for the State.

CORAM: SMT.SADHANA S.JADHAV, J.

DATED : 17th APRIL, 2017.

P.C.

1) Heard.

2) Rule. Rule made returnable forthwith with the consent of the parties.

3) Petitioner herein has filed present petition through her father seeking her release from Renuka Mata Women's and Children Rehabilitation Center, Bapuji Nagar, Solapur. It appears that present petitioner was a victim of immoral trafficking and that she had been rescued on 28/05/2016 and was

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produced before the Magistrate. The learned Magistrate had considered the facts of the case and had remanded the victim to the rehabilitation centre. Order of the Magistrate was challenged before the Revisional Court by filing Criminal Revision Application No. 17 of 2016. The learned Revisional Court had observed that father of the petitioner is likely to push the victim again into immoral trafficking as he could not take care of his daughter and had compelled her to work as prostitute. Observations are based upon report of the Probation Officer and hence, application was rejected on 23/08/2016.

4) Being aggrieved by the said order, present petition is filed on 04/01/2017. The learned APP has filed on record the statement of the petitioner which is recorded on 14/04/2017 which shows that she intends to go to her father's house and that she would not go to Barshi again. That she desires to reside with her parents and after she attains majority, she would get married as per the wish of the parents. Petitioner has been in custody for more than one year in the rehabilitation centre.

5) Learned counsel for the petitioner upon instructions submits that the

father of the of the petitioner would take proper care of his daughter and see to it that she is not pushed into same profession again.

6) Taking into consideration the above mentioned aspects, petition deserves to be allowed.

ORDER

(i) Writ petition is allowed.

(ii) Order dated 20/06/2016 passed by the learned Magistrate which is confirmed by the Sessions Court vide order dated 23/08/2016 is hereby quashed and set aside.

(iii) Petitioner be released from Renuka Mata Women's and Children Rehabilitation Center, Bapuji Nagar, Solapur and the custody of the petitioner be handed over to the father of the petitioner.

(iv) Father of the petitioner shall give undertaking that he would take proper

care of the child, ensure that she attends school and make good use of the skill which she has developed in the rehabilitation centre.

(v) Rule is made absolute in the above terms.

(vi) Writ petition stands disposed of.

(SMT. SADHANA S. JADHAV, J.)