

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 1859 OF 2016

Liyakat Ali Mansabali Chaudhary  
and anr.

.....Petitioners

V/s.  
State of Maharashtra and Ors.

.....Respondents

\* \* \* \* \*

Mr. Subradeep Banarji i/by. Mr. Jayswal J. Omprakash, Advocate  
for the petitioners.

Ms. Pallavi Dabholkar, APP for respondent, State.

**CORAM :- SMT. R.P. SONDURBALDOTA, J.**

**DATED :- 24TH JANUARY, 2017.**

**P.C. :-**

1). This petition challenges the orders dated 3<sup>rd</sup> March, 2016 passed by the trial Court under Section 17 of the Immoral Trafficking (Prevention) Act, 1956 and the order dated 7<sup>th</sup> April, 2016 passed by the Sessions Court in Criminal Appeal No. 270 of 2016 preferred against the order of the trial Court.

2). The brief factual matrix of the petition is that, the police had raided a brothel by name "Sheesh Mahal" situate at Khar during which the victim girl concerned in the petition was found and rescued. The victim had claimed before the police that, she had merely gone to the place to meet her friend. The trial Court disbelieved the claim since she was found in one of rooms used as a

brothel with the bogus customer i.e. the decoy sent by the police. She had stated that, she hails from U.P. and had given two different names of her mother and the names of four brothers and two sisters. According to her statement, the brothers were in the age group of 25 years to 33 years and the sisters within the age group of 29 to 35 years. The Probation Officer of the NGO Rescue Foundation as per the information collected by it, had given different names of the siblings of the victim girl as also their age. The brothers are in the age group of 6 years to 12 years and the sisters in the age group of 12 years to 26 years. The details of the differences as recorded by the trial Court in its impugned order read as under :-

“. the name of the mother of the victim is as Fico and also one another name as Anjuman. She has given names of brother and ages as Shamim 33 years, Mahtab 31 years, Imtiyaz 27 years, Saddam 25 years and sister as Seema 35 years, Gulista 29 years. The probation officer of the NGO rescue foundation has given different information about mother, sister and brother of the victim and their ages. She has given name of sister as Gulshan and age 26 years, Shahin sister 19 years, Shabnam sister 12 years and three brothers name Aslam 12 years, Abdul 10 years, Sarfaraz 6 years.”

. Since the information given by the victim girl did not match with the information collected by the NGO rescue foundation, the trial Court found that, it was necessary to keep the victim woman in a rescue foundation, Mumbai for protection, shelter, vocational training and rehabilitation for one year from the date of the order.

3). The victim woman had challenged the order by preferring Criminal Appeal No. 270 of 2016. The Sessions Court, dismissed the same by the order dated 7<sup>th</sup> April, 2016 noting that apart from the fact that the information as regards the family members of the victim woman did not match, none of the relatives of the victim woman had come forward for either to claim her or with a prayer for setting aside the detention order. It next noted that, the documents of the victim i.e. Aadhar Card etc. revealed address of Titwala, District-Thane in Maharashtra. The Court, had doubts about the genuineness of the document as the specific identification number appearing in the photo part of the document does not appear on the address part. There were similar difficulties as regards the other documents also. Therefore, the District Court dismissed the appeal. This order has not been carried further by the victim woman herself.

4). The petitioners in the present petition claim to be the parents of the victim woman. Petitioner no.2 is one, Anjuma Khatun who is described as the wife of petitioner no.1 and who claims to be the mother of the victim woman. The name of her mother stated by the victim woman was not Anjuma but was Anjuman and Fico. Also, she had not referred to her father. In the circumstances, there is serious doubt as regards the petitioners being the relatives of the victim woman. The petition is therefore dismissed.