

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.9199 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to relax the condition imposed by the III Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, in CrI.M.P.No.1898 of 2017, dated 12.09.2017, on the ground that the victim girl by name Kum.Srikala Likitha @ Seekala Likitha (2nd respondent herein), is willing to joint with her parents including her brother, who are residing together.

2. The learned III Addl. Chief Metropolitan Magistrate, Hyderabad, while deciding CrI.M.P.No.1898 of 2017 on 12.09.2017, passed the following order:

“In the result, the petition is allowed. The petitioner is entitled for receiving the victim towards his interim custody after three months from the date of this order on his executing a bond for Rs.1,00,000/- (Rupees one lakh only) with an undertaking to produce the victim woman as and when required by the Court in safe and sure conduct and to take proper care and protection of the victim girl and to look after her welfare and that the petitioner shall not act detrimental to the interest and welfare of the victim girl. The petitioner shall not cause any disturbance to her personal life and liberty and shall not act against the interest and safety of the victim. The victim girl shall be placed under the supervision of the District Probation Officer, Kadapa, for a period of two years who shall submit periodical quarterly reports to this Court by making periodical inspection once in a quarter.”

The petitioner herein by name Seekala Praveen Kumar is the brother of the victim girl.

3. As there was a dispute with regard to the identity of the victim girl, this Court by order, dated 08.11.2017, directed both the parents, brother and victim girl to appear before this Court, though she is under the custody of Prajwala Rescue Home, Hyderabad. In pursuance of the said direction, the victim girl, her brother and her parents

appeared in person and identified the victim girl. In fact, there was no dispute with regard to the relationship between the petitioner, her parents and victim girl. But, the only objection raised by the learned Public Prosecutor representing the State is that the III Addl. Chief Metropolitan Magistrate, Hyderabad, fixed three months time for taking interim custody of the victim girl. Before expiry of time fixed by the III Addl. Chief Metropolitan Magistrate, the petitioner and her parents are not entitled to take custody of the victim girl and requested this Court to pass appropriate order.

4. When examined by this Court, the victim girl expressed her willingness to live with her parents and her brother, who constituted joint family. Therefore, keeping in mind the wish and desire of the victim girl to live with her parents and brother-petitioner herein, I find that it is a fit case to relax the condition permitting the petitioner-brother of the victim girl and her parents to have interim custody of the victim girl.

5. Accordingly, the Criminal Petition is allowed and the condition imposed by the III Addl. Chief Metropolitan Magistrate, Hyderabad, to take interim custody of the victim girl for three months is relaxed while maintaining the other conditions imposed by the trial Court. The Metropolitan Magistrate is directed to issue necessary proceedings to Prajwala Rescue Home for release of victim girl henceforth. Miscellaneous petitions, if any pending, in this Criminal Petition shall stand closed.

M.SATYANARAYANA MURTHY, J

DATED: 13-11-2017.

Note: Issue CC by today
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