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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

REVISIOIN APPLICATION NO. 147 OF 2017

Surendra Anni Hegde

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Prashant Gurav for Applicant.

Mr. Amit Palkar, APP for State..

CORAM : A.S.GADKARI, J.

DATE : 26th September 2018.

P.C.:

1] The applicant, accused No.4, in S.C. No.463 of 2014 has impugned the Order dated 21st January 2017 passed below Exhibit 21, by the learned Additional Sessions Judge, Greater Mumbai, thereby partly allowing the application for discharge, dropping the charges under section 9 of the Immoral Traffic (Prevention) Act and and under section 372 read with 34 of the Indian Penal Code and maintaining the charges for the offences punishable under Sections 3, 4, 5 of the said Act and 370(3) read with 34 of the Indian Penal Code.

2] The applicant is sub-tenant of Ruchita Palace Bar and Hotel

which was owned by Shri R. Sashte and Shri Karunakaran Shetty. It is alleged that, the applicant along with hotel Manager Murli and other accused persons facilitated the vocation of prostitution at the said hotel premises and the applicant was earning his livelihood from the said vocation. After receipt of specific information from the first informant who is the press reporter by profession that, at Ruchita Palace Bar and Hotel, Turbhe Naka, Mhape, the vocation of prostitution is being conducted and minor girls are forced to indulge into the said profession. Accordingly, an agent was contacted by the first informant at Shridevi Hotel, Chembur. After initial discussion at Shridevi Hotel, the concerned Agent agreed to supply minor girls to the informant by accepting certain amount. Thereafter, he introduced Smt. Neelam and Smt. Priya as the concerned persons who provide minor girls and after fixing necessary consideration which is alleged to be Rs.8500/-, the informant and the minor girl along with other accused proceeded to Ruchita Palace Bar and Restaurant. The police conducted raid at the said spot and rescued the said minor girl. After completion of investigation, the police have submitted chargesheet.

3] The learned counsel for the applicant submitted that, the Ruchita Palace Bar and Restaurant is nowhere concerned in the present

crime as the basic deal between the agents and informant took place at hotel Shridevi, Chembur. He submitted that, on the date of raid the applicant was not present at the scene of offence and therefore he has nothing to do in the present crime and therefore he may be discharged.

The learned APP vehemently opposed the application and submitted that there is sufficient material on record to frame charge against the applicant.

4] The record indicates that, the original owners of the said Ruchita Palace Bar and Restaurant namely Shri Sashte and Shri Karunakaran Shetty by an agreement of sub-tenancy had given the said Bar and Restaurant to the applicant for conducting business therein. That the applicant along with his manager Shri Murli Rao and other accused were conducting the said hotel. The record indicates that, the police conducted raid at the said Hotel i.e. Ruchita Palace Bar and Restaurant and found a minor girl indulging into the vocation of prostitution. The record indicates that, the applicant is earning his livelihood from the vocation of prostitution. Prima facie, there is sufficient material available on record to show the complicity in the present crime and to frame charge against the applicant.

The Trial Court after taking into consideration various aspects and circumstances of the case has passed impugned Order dated 21st January 2017.

5] After perusing the record, this Court is of the view that the Trial Court has not committed any error either in law or on facts while passing the impugned Order dated 21st January 2017.

Petition being devoid of any merits, is accordingly dismissed.

(A.S.GADKARI, J.)