

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

CRIMINAL WRIT PETITION NO.4905 OF 2018

Deepika Kamleshbhai Agarwal & Anr.

... Petitioners

Vs.

The State of Maharashtra

... Respondent

Mr. Ateet Shirodkar for the Petitioners.

Mr.A.R.Patil, APP for the Respondent – State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATED: NOVEMBER 27, 2018

P.C.:

1. Rule. Rule made returnable forthwith. By consent of the parties, the Petition is heard finally and decided at the stage of admission.
2. This Writ Petition is directed against the order dated 12th October, 2018 passed by the learned Additional Sessions Judge, Sessions Court, Gr. Mumbai in Criminal Appeal No. 618 of 2018 thereby confirming the order dated 12th September, 2018 passed by the learned Metropolitan Magistrate, Special Court for ITPA, 54th Court at Mazgaon, Mumbai in R.A. No. 32 of 2018.

3. Both the petitioners are the victims, who were arrested by the police in a case filed under Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as "the said Act"). The victims were produced before the learned Metropolitan Magistrate. The learned Magistrate called their reports from Probation Officer as well as NGO. After perusal of the medical examination report, the learned Magistrate found that victim No.3 i.e., petitioner no.1- Deepika Agarwal is detected as HIV positive (STD). The learned Magistrate has observed that if she is released, then there is a chance of spreading of this disease. Both the petitioners have indulged into prostitution due to poverty. The learned Magistrate has given directions that both the victims should be given adequate vocational training and also keep them in the rehabilitation centers as mentioned in the said order with specific direction that they will be given adequate vocational training. No illegality is found in the order passed by the learned Magistrate.

4. The learned counsel for the petitioners has submitted that petitioner No.1- Deepika Agarwal, who is detected as HIV positive, should be given the medical treatment, as it is not given till today and, therefore, specific direction can be given.

5. The learned APP for the respondent-State has submitted that necessary medical treatment will be given to petitioner No.1. Thus, specific direction can be given.

6. The submission of the learned counsel for the petitioners on the point of medical treatment is correct. Hence, the Writ Petition is dismissed with following order :

ORDER

Petitioner No.1- Deepika Agarwal is to be immediately provided the medical treatment for HIV positive and the necessary diet is also to be given to her.

7. Rule is discharged.

(MRIDULA BHATKAR, J.)