

HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No. 2010 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State.

The present criminal revision case is filed questioning the order dated 28.06.2018 passed in CrI.M.P.No.1566 of 2018 in Crime No.50 of 2018 on the file of the XI Additional Chief Metropolitan Magistrate, Secunderabad, dismissing the petition filed seeking a direction to the Superintendent, Prajwala Home, Thukkuguda, Ranga Reddy District to release the victim by name Smt. Rup Roy Shaw and hand over her to the petitioner.

The brief facts of the case are that on 12.02.2018 when the Inspector of Police was in the Police Station, Bowenpally, he received credible information that two women by name K. Vijaya Kumari @Bujjamma and M. Syamala @Laxmi are organizing brothel house in Plot No.37, H.No.6-29-104,Jawahar Rail Colony, Diamond Point Old Bowenpally. Immediately, after apprising the same to the Assistant Commissioner of Police, Begumpet Division, Hyderabad and obtaining oral instructions, he along with his staff raided the said house and found six persons and two sex workers. On enquiry they disclosed their names as stated above and admitted that they are running the brothel house with the assistance of pimps Khajawali and Shanker by procuring the victims i.e. sex workers namely Rup Roy Shaw and Hasiba Khatun. In that connection, they rescued the sex workers after recording the confessional statements

of the accused and the police registered a case in Crime No. 50 of 2018 for the offences under Sections 370, 370(A) IPC and Sections 3, 4, & 5 of Prevention of Immoral Traffic Act. Pursuant thereto, Rup Roy Shaw was entrusted to Co-ordinator of Prajwala Home. Thereafter, the husband of the said Rup Roy Shaw, filed CrI.M.P.No.1566 of 2018 in Crime No.50 of 2018 under Section 17(1) of the Immoral Traffic (Prevention) Act, 1956 to direct the Prajwala Home Superintendent to release the victim and hand over her to him i.e. her husband. After considering the same, the learned Magistrate was pleased to dismiss the petition filed for giving custody of the victim to her husband by orders dated 28.06.2018. Aggrieved by the same, the present criminal revision case is filed.

Learned counsel appearing for the petitioner would contend that the order under revision is contrary to law and probabilities of the case and if the same is allowed to stand, it would result in miscarriage of justice. The Court below ought to have appreciated that the petitioner is none other than the husband of the victim and he filed all the relevant documents to establish the said fact. Therefore, there is no justification in dismissing the petition for release of the wife of the petitioner. The learned counsel also contended that the victim will be kept in rescue home only for protection till her family members file necessary application before the concerned Court. Therefore, since the petitioner has filed an application, the victim would have been released and handed over to the petitioner. Learned counsel also contended that the victim is in the rescue home since 12.02.2018 and she and she is subjected to mental depression as she has two small tender age children.

Learned counsel appearing for the petitioner in support of her contention, relied on a decision reported in GANDA JINESH RAMNIK AND OTHERS v. STATE OF TELANGANA¹. However, a perusal of the said judgment, it is revealed that the facts are totally different and the ratio decided therein is not applicable to the facts of the present case.

Per contra, the learned Public Prosecutor appearing for the respondent-State, would submit that the impugned orders are passed basing on the home enquiry report and sought for dismissal of the revision case.

Having heard both the learned counsel and from the perusal of the material on record, more particularly, the impugned orders, it is revealed that the subject victim was rescued from the brothel house and she was given custody to the rescue home i.e. Prajwala Home. In the impugned orders, it is specifically mentioned as under:

“In this case, the home enquiry report clearly goes to show that the petitioner wanted to go to Dubai for earning money and was in need of Rs.90,000/- and was putting pressure on victim to bring that money from her parents and then the victim accepted to do prostitution and came to Hyderabad and the assessment report goes to show that it is a very clear case wherein the victim's husband has in many ways forced the victim for prostitution by demanding the money and this was not the first time that such thing has happened.

The victim is being sent to protective home only for proper care and protection and she is being retained for her

¹ 2016(2) ALD (Cri.) 282

wellbeing and protection only. As far as the fate of the kids are concerned, the victim has left her children i.e., son at her house and daughter at her sister's house and came to Hyderabad without even giving intimation to her husband for taking care of her kids. No doubt, the kids are tender aged and they need love and affection of their mother. It is seen that now the petitioner has left the son in the care of his mother i.e., grandmother of the child and the baby girl is now with the sister of the victim."

From the above, it is clear that the petitioner in order to go to Dubai for earning money, was in need of Rs.90,000/- and was putting pressure on victim to bring that money from her parents and then the victim accepted to do prostitution and came to Hyderabad. It is also borne out of record that it is a very clear case wherein the victim's husband has in many ways forced the victim for prostitution by demanding the money and this was not the first time that such thing has happened. In fact, Prajwala Home is a protective home under Section 21 of the Act recognized by the government where technically qualified persons, equipment and other facilities have been provided to prevent the victims from again entering into vicious circle of prostitution. In fact, the victim needs care and protection and professionally and technically qualified persons for her rehabilitation. Therefore, if the victim is kept in the custody of the said Prajawala Home, the victim will come out of the mental trauma. Apart from the same, during her stay in the protective home, the victim also learn professional and technical

skills which will help for her rehabilitation. Therefore, in the light of the home enquiry report, this Court is not inclined to accede to the request of the petitioner for handing over the victim to him at this stage. Therefore, there are no merits in the revision case and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed.

Miscellaneous petitions, if any, pending in this criminal revision case shall stand dismissed.

P. KESHA VA RAO,J

Date:07.08.2018

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