

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.31670 of 2018

Date: 12.09.2018

Between:

Biswajit Roy

..Petitioner

and

State of Telangana

Through SHO, Bowenpalli PS.,
Secunderabad, rep. by its PP,
High Court Hyderabad and 2 others

..Respondents

Counsel for the petitioner:

Mrs.M.Bhagyasri

Counsel for respondent Nos.1 & 2:

GP attached to Addl.AG

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for issue of Habeas Corpus directing the respondents- Police to produce the petitioner's wife- Mrs.Roopa Roy (for short 'the alleged *detenue*') from respondent No.2- Home and set her at liberty.

We have heard Smt.M.Bhagyasri, learned Counsel for the petitioner, and the learned Assistant Government Pleader representing the learned Additional Advocate-General for the State of Telangana.

The petitioner is an accused in Crime No.50 of 2018 registered for the offences punishable under Sections 370 and 370 (A) IPC and Sections 3, 4 and 5 of the Prevention of Immoral Traffic Act, 1956 (for short 'the Act'). The alleged *detenue*, who is allegedly forced into Prosecution by the petitioner, was entrusted to the coordinator of respondent No.2. The petitioner has filed CrI.M.P.No.1566 of 2018 under Section 17(1) of the Act to direct respondent No.2 to release the victim and hand over her custody to him. The said Petition was dismissed by the XI Additional Chief Metropolitan Magistrate, Secunderabad, by Order, dated 28.06.2018. Assailing the said Order, the petitioner filed CrI.R.C.No.2010 of 2018. A learned Single Judge of this

Court by his Order, dated 07-08-2018, dismissed the said Criminal Revision Case with the following observations:

“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, Prajawala 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 the 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.”

On 05-09-2018, the learned Counsel for the petitioner expressed an apprehension about the safety of the alleged *detenue*. We have, therefore, directed the respondents- Police

to produce the alleged *detenue* before the Court. Today, at the hearing the alleged *detenue* is produced before us. Our interaction with the alleged *detenue* revealed that she is being looked after well by respondent No.2. She has also carried some material showing that she is being trained in arts and crafts. The alleged *detenue* is also looking hale and healthy apart from being positive. On observing the alleged *detenue*, we are of the opinion that the apprehension of the petitioner about the safety of the alleged *detenue* is wholly false and misplaced.

Inasmuch as the relief, which is claimed in this Writ Petition, was already rejected by the jurisdictional Criminal Court and the same has also been confirmed by this Court in Crl.R.C.No.2010 of 2018 and as we are satisfied that the alleged *detenue* is in the safe custody of respondent No.2, this Writ Petition is dismissed.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 12th September, 2018
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