

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

CRIMINAL WRIT PETITION NO.5721 of 2018

Sanjay Bharat Mithari

...Petitioner

vs.

The State of Maharashtra

...Respondent

Mr.Pandit Kasar a/w Mr. Rohit Mangsule, Mr. Harish Khedkar i/b VIS
Legis Law Practice for the Petitioner.

Smt. S. D. Shinde, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.**

DATE : 03/01/2019.

P.C.:

. Heard. Learned counsel for the petitioner states that the petitioner is only the owner of the premises in which the lodge is being run by accused Rohan Dabholkar and other accused viz., Sachinsinh Pramodsinh Singh, who is the manager employed by accused Rohan Dabholkar. The petitioner is not in any way concerned with the activity going on allegedly in that lodge. Hence being only the owner, the police could not have invoked the provisions of Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act. In the alternative, without prejudice it is submitted that as special provision of said Act are invoked, general offence allegedly under section 370 of IPC cannot be invoked.

2. Support is being taken from the judgment of Division Bench of this Court dated 26/10/2018 in Criminal Writ Petition No.4361/2018 and connected matters. Learned counsel submits that this view is confirmed by the Hon'ble Apex Court.

3. The Petitioner does not have any written agreement either with Mr.Rohan Dabholkar or the so called manager. In this situation, at this stage we are not inclined to exercise extra ordinary jurisdiction. We keep the contentions of the petitioner open and dispose of the petition.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)