

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

WRIT PETITION NO.5290 OF 2019

Parvati Garija Reddy@ Parbatibai Sabaiya

...Petitioner

vs.

The State of Maharashtra

...Respondent

Mr. Ritesh Ratnam for the Petitioner.

Smt. Aruna S. Pai, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 24/1/2020.

PC.:

. Heard learned counsel for the petitioner. Perused section 18 of the Immoral Traffic (Prevention) Act, 1956 and also considered judgment dated 22/8/2011 delivered by learned Single Judge in Criminal Application No.34/2011.

2. Petitioner before this Court is herself one of the accused and is being tried along with three other persons.

3. Her case is she has entered into a leave and license agreement with one Mabiya Molla and as the petitioner resides in Karnataka she was not aware of actual use to which the premises were put by Molla. The other contention is the impugned order putting seal at premises has been passed behind back of the petitioner. Lastly, it is submitted that in any case in terms of section 18 seal could not have been put.

4. Learned APP has submitted that when the petitioner claims to

be landlady and is herself accused, provisions of section 18(1) may not apply. It is further submitted that the alleged agreement of Leave and License is not registered in accordance with law and therefore cannot be relied upon at this stage.

5. Petitioner is arraigned as accused and provision of section 18 shows that opportunity of hearing should be extended, we are inclined to permit the petitioner to make appropriate representation to the Police Commissioner, Mumbai. If said representation is made within 2 weeks from today that authority will look into it in accordance with law in next 4 weeks.

6. With this direction we dispose of the writ petition.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)