

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL WP NO. 296/2020**

Jaswant S. Dhanawat

..VS..

State of Maharashtra & anr.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri S.R. Chakravarti, Advocate for the petitioner  
Shri K.L. Dharmadhikari, APP for the respondent/State  
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**CORAM : Z.A.HAQ & AVINASH G. GHAROTE, JJ.**

**DATED : 04/08/2020**

Heard learned advocate for the petitioner and  
learned APP for the respondent – State.

By this petition, the order passed by the learned Sessions Judge dismissing the appeal filed by the petitioner under Section 17 (6) of the Immoral Traffic (Prevention) Act, 1956 is challenged. By the above mentioned appeal, the petitioner had challenged the order passed by the learned Magistrate refusing to handover the custody of the victim to the petitioner. The petitioner claims that he is real brother of the victim.

At the outset, learned advocate for the petitioner requested for permission to withdraw the writ petition with liberty to file fresh petition. According to the petitioner, some documents are wrongly annexed to the petition and therefore, he wants to file fresh petition with proper documents.

Learned advocate for the petitioner has pointed out from para no. 7 of the impugned judgment of the Sessions Court that the age of victim is 22 years. The petitioner is not disputing that victim is major, aged about 22 years. The petitioner has not been able to point out as to how he can challenge the impugned judgment when the victim herself is not aggrieved by the action of the respondents in detaining her in protective home as per Sec. 17 (4) of the Act of 1956. As we find that the petitioner has not been able to demonstrate *locus standi* to maintain the petition and as it cannot be said that the petitioner falls in the category of “aggrieved person”, we refuse to entertain the petition at the behest of the present petitioner.

Looking to the nature of accusations and the facts which have come on record in the judgment passed by the learned Sessions Judge, we are of the view that heavy costs are required to be imposed on the petitioner for abusing the process of law.

Hence, the following order:-

- (a) The writ petition is **dismissed** with costs quantified at Rs. One Lakh.
- (b) The petitioner shall deposit the amount of costs with the registry of this Court and shall produce receipt of it before the Police Station Officer, Chandrapur City, Chandrapur till 12/08/2020.

(c) If the petitioner fails to deposit the amount of Rs. One Lakh and to produce receipt of it before the Police Station Officer, Chandrapur City, Chandrapur till 12/08/2020 as directed by this order, non-bailable warrant shall be issued against the petitioner – Jaswant Sagar Dhanawat to secure his presence before this Court on 21/08/2020.

(d) On deposit of the amount of Rs. One Lakh, it be given to the District Bar Association, Nagpur. The Executive Body of the District Bar Association, Nagpur shall disburse the amount to the needy lawyers.

(e) It is clarified that this order will not come in the way of the victim in seeking appropriate relief as per the law.

**JUDGE**

**JUDGE**