

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.528/2020 IN CRIMINAL APPLICATION (APPP)
NO.1708/2017 IN CRIMINAL P.I.L.NO.4/2013

Freedom Firm

Vs.

Child Welfare Committee, Nagpur and others.

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

 Shri M.K.Pathan, Advocate and Additional Public Prosecutor for
 applicant/respondent no.1.
 Shri Nihalsingh B. Rathod, Advocate for petitioner in PIL/

CORAM : A.S.CHANDURKAR & AMIT B.BORKAR, JJ.

DATE : JULY 14, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and video quality was proper.

This application has been moved by the Superintendent, Karuna Girls Hostel for Women with a prayer that the order dated 01.03.2018 passed in the present proceedings be modified insofar as it pertains to one Ku. Buti Soni with a view to enable her to be appointed as a Cook.

Shri M.K.Pathan, learned Additional Public Prosecutor for the applicant submits that on 01.03.2018 this Court had directed that the proceedings for release of five minor victims should go on. However, the orders of release were not to be given effect to until further orders. It is his contention that as per the ossification test the age of aforesaid victim mentioned in the present application was about 15 to 16 years on 06.08.2016 and she has now attained the age of

majority. On 17.03.2020 a letter has been issued by the President of St. John Society in which it has been stated that the victim Buti Soni can be appointed on the post of Cook at their institution. It is therefore prayed that to the aforesaid extent, the order dated 01.03.2018 be modified.

Shri N.B.Rathod, learned counsel for the petitioner in the Public Interest Litigation welcomes this development and submits that similar steps could be taken with regard to other victims.

From the material on record, we find that the victim in question has now attained the age of majority. The order of appointment dated 17.03.2020 seeking to appoint her on the post of Cook is also placed on record. In these facts therefore, it is found that the interest of victim can be safeguarded by permitting her to work on the post of Cook.

Accordingly the order dated 01.03.2018 is modified to the extent that the Superintendent, Karuna Girls Hostel is directed to release the victim Buti Soni for being appointed as Cook in the St. John Society, Hinganghat. It is open for the Superintendent to take further steps to enable release of other victims.

The application is allowed in aforesaid terms.

The order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

JUDGE