

HONOURABLE JUSTICE G. SRI DEVI

CRL.R.C.No.1080 of 2019

ORDER:

This Criminal Revision Case is directed against the order of the IX-Additional Chief Metropolitan Magistrate, Hyderabad, passed in Crl.M.P.No.1264 of 2019 in Crime No.50 of 2019 dated 17.07.2019, wherein an application filed, under Section 17-A of the Prevention of Immoral Traffic Act, for grant of custody of the revision petitioner/victim, was dismissed.

The case of the prosecution, in brief, is that the Inspector of Police, Narayanaguda Police Station, lodged a complaint stating that, on 18.02.2019 at 07.30 hours, on receipt of credible information that one Pujari Venkatesh is running a brothel house at the premises Flat No.303, H.No.3-5-763, Thirumala Sun Bridge, Vittalwadi Cross Roads, Narayanaguda, Hyderabad under the guise of providing beauty and health care services by procuring female therapist-cum-sex workers from various places and earning money illegally from flesh trade, he along with mediators entered into the said premises and found Pujari Venkatesh (A-1), who is running flesh business; Mehul, S/o Nagidas (A-2), Pawan B.Sagar, S/o D.R.Sagar (A-3), who are male customers, along with female

Therapists-cum-sex workers, namely, Smt.Wasima, W/o late Hyder, Kum.Marshetti Madhavi @ Jyothi, D/o Veeresham and Meraj Begum, W/o Irfan, and recorded the confessional-cum-seizure panchanama of the accused and also seized cell phones, one box of super man force condoms, Swipe machine and net cash of Rs.6,440/- from the possession of the accused in the presence of mediators. Basing on the said complaint, the Sub Inspector of Police, Narayanaguda Police Station, Hyderabad, registered a case in Crime No.50 of 2019 for the offences punishable under Sections 370(A)(2) I.P.C. and Sections 3, 4, 5, 6, 7 of Prevention of Immoral Traffic Act.

Subsequently, the revision petitioner/victim filed the aforesaid Crl.M.P.No.1264 of 2019 before the IX Additional Chief Metropolitan Magistrate, Hyderabad, under Section 17-A of the Prevention of Immoral Traffic Act seeking to release her from the custody of Rescue Home so as to lead a respectable life in the society and to bring up her children for their better future. It is stated in the affidavit filed in support of the petition that she was working as a Receptionist at Thank Q Beauty-cum-Health Care, Narayanaguda. It is further stated that she is not indulged in any activity as alleged by the prosecution and no such business takes place in the Saloon and that it is just a Unisex Saloon providing Saloon services to both

the genders. It is further stated that she learnt stitching work as well as craft works, by which she can lead a respectable life in the society and can take care of herself and her children.

The trial Court, after hearing both sides and after analysis of the material available on record, held that since the rehabilitation is required for the victim in the Rescue Home, as per the reports of Rescue Home and the District Probation Officer, and as there is likelihood of exposing the victim for human trafficking, it is not just and proper for release of the revision petitioner/victim from the Protection Home and accordingly dismissed the petition. Aggrieved by the said order, the revision petitioner/victim preferred the present revision.

Heard the learned Counsel for the revision petitioner/victim and the learned Additional Public Prosecutor appearing for the respondent/complainant and perused the material available on record.

When the matter was taken up for hearing on 07.01.2020, this Court directed the authorities of Prajwala Rescue Home, Tukkuguda, Maheswaram, Ranga Reddy District to produce the revision petitioner/victim, namely, Wasima Begum, before

this Court under proper custody along with a report of the said Rescue Home.

Pursuant to the aforesaid direction of this Court, today, Mr.M.Sudarshan and Ms.Anitha, who are Assistant Coordinators of Prajwala Rescue Home, Tukuguda, Maheswaram Mandal, Ranga Reddy District, are personally present before this Court and produced the revision petitioner/victim, namely, Wasima Begum, W/o Late Sadiq Bin Mirza (wrongly mentioned as wife of late Hyder).

On a question put by this Court, the revision petitioner/victim disclosed her name as Wasima Begum and her husband's name as late Sadiq Bin Mirza (wrongly mentioned as wife of late Hyder). She further stated that her husband died about seven years back. She further stated that she is having two daughters, namely Salwa Firdous, aged about 15 years and Salwa Tarannum, aged about 14 years and one Son, namely, Mohammed Mustafa, aged about 12 years. She further stated that she was working as a Receptionist at Thank Q Beauty-cum-Health Care, Narayanaguda and she is not indulged in any activity i.e., prostitution as alleged by the prosecution. She further stated that she has been staying in Prajwala Rescue Home for the last one year and during such period she learnt Tailoring, Embroidery and Binding works.

She further stated that she is aged about 32 years and she does not want to stay in Prajwala Rescue Home and she emphatically stated that she wants to go along with her elder sister, namely, Haseena Begum, W/o Mohammad Ghouse and to live with her children. When this Court asked the said Haseena Begum whether she is willing to take back the revision petitioner/victim along with her, she stated that she wants to take the revision petitioner/victim along with her and she can look after her welfare.

Having regard to the above facts and circumstances of the case, since the revision petitioner/victim is a major and she wants to go with her elder sister Haseena Begum and as the revision petitioner/victim is only one of the victims of Immoral Traffic Act and not running any Brothel House, this Court finds that the Court below erred in dismissing the petition by holding that “there is every likelihood of exposing the victim for human trafficking and, therefore, rehabilitation is required for the victim in the Rescue Home” and as such the impugned order is liable to be set aside.

Accordingly, the Criminal Revision Case is allowed and the impugned order of the IX-Additional Chief Metropolitan Magistrate, Hyderabad, passed in CrI.M.P.No.1264 of 2019 in Crime No.50 of 2019 dated 17.07.2019 is hereby set aside.

Further, the authorities of Prajwala Rescue Home, Tukruguda, Maheswaram, Ranga Reddy District, are hereby directed to release the revision petitioner/victim forthwith. The revision petitioner/victim is at liberty to go along with her elder sister, namely Haseena Begum, W/o Mohammed Ghouse. Further the said Haseena Begum is directed to ensure the presence of the revision petitioner/victim on the date when her evidence/statement is to be recorded by the Court below. The revision petitioner/victim and her elder sister are directed to furnish their full residential address and also produce copies of Aadhar Cards, Gas connection and Voter Cards etc., before the authorities concerned.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G.SRI DEVI

07-02-2020

Gsn



