

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

CRIMINAL REVISION APPLICATION NO.124 OF 2021

Rupesh Sandeep Sharma	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ashok Bhatia a/w Mr. Tarun Shroff for the Applicant

Mr. Sooraj S. Hulke, A.P.P for the Respondent–State

PSI Mr. B. V. Gaokar from Amboli Police Station, is present

CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
FRIDAY, 16th JULY 2021

ORAL ORDER :

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal. Learned APP waives service on behalf of respondent–State.

3 By this revision, the applicant seeks release of his sister-Ruby Sandeep Sharma, aged 31 years, who is presently in custody of Poisar Rescue Home, Poisar, Kandivali (West), Mumbai.

4 Learned counsel for the applicant states that applicant's sister-Ruby, aged 31 years, is in the custody of Poisar Rescue Home, Poisar, Kandivali (West), Mumbai, as according to the police, she was a victim.

5 Learned A.P.P submits that statement of the applicant's sister-Ruby has not been recorded and is not part of the charge-sheet. Learned A.P.P, however relied on Ruby's statement recorded by the Rescue Home. He fairly states that even in the said statement recorded by the Rescue Home, there is nothing to show that she was a victim or that her mother who is an accused in C.R. No. 28/2021 had taken her in connection with prostitution along with another minor victim girl.

6 Perused the papers. From the prosecution case, it appears that pursuant to a secret information that some ladies were doing business of supplying minor girls for prostitution, the police, with the help of bogus customers and panchas, effected a raid on the spot and found three ladies, two out of the three ladies were allegedly the victim girls and the third lady i.e. applicant's mother is alleged to be an accused who had come with her daughter Ruby, aged 31 years and another minor girl aged 15 years, for prostitution. Admittedly, the applicant's sister-Ruby allegedly a victim in

the said case, is aged 31 years and has an 11 year old son, who is presently staying with the applicant. The applicant's sister-Ruby is with the Rescue Home at Kandivali. As noted above, her statement has not been recorded by the police and the statement recorded by the Rescue Home, which is not part of the charge-sheet, does not, in any way, show her involvement in the present case. From the statement shown by the learned A.P.P recorded by the Rescue Home, it appears that the applicant's sister-Ruby is not a victim. The applicant's sister-Ruby has no antecedents, nor does it appear that she was involved in prostitution, even earlier.

7 Learned A.P.P states on the instructions of the Officer, who is present in Court, that even the applicant's sister-Ruby is seeking her release.

8 Accordingly, revision is allowed and the Poisar Rescue Home, Poisar, Kandivali (West), Mumbai, is directed to release the applicant's sister-Ruby, forthwith. The question of handing over the custody of Ruby to her brother i.e. the applicant herein, does not arise, inasmuch as, Ruby is aged 31 years and is competent to take her own decisions.

9 Rule is made absolute in the above terms.

10 Learned A.P.P to communicate the above order forthwith, to the concerned Officer of the Poisar Rescue Home, Poisar, Kandivali (West), Mumbai, telephonically.

11 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.