

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

CRIMINAL WRIT PETITION NO. 197 OF 2021

Kiran @ Revati Rampratap Sahu,
Aged about 24, Occupation : Private,
R/o, Rahul Gandhi Nagar, Zopadpatti
Chikhali, Kalmana, Nagpur.

.... **PETITIONER**

- **VERSUS** -

(1) State of Maharashtra
Through P. S. O., Wadi,
Nagpur.

(2) Superintendent of Government
“Karuna” Ladies Hostel,
(Rehabilitation Centre)
Patankar Square, Nagpur.

.... **RESPONDENTS**

Mr S. J. Kadu, Advocate for petitioner
Mr. M. K. Pathan, A.P.P for the State/respondents

CORAM : ROHIT B. DEO, J.

DATED : 3rd May, 2021

ORAL JUDGMENT :

Heard.

2. Rule. Rule made returnable forthwith.

3. The petitioner is assailing the judgment dated 17-12-2020

rendered by Additional Sessions Judge - 6, Nagpur whereby Criminal Appeal No. 123/2020 preferred by the petitioner challenging the order dated 16-10-2020 rendered by 10th Judicial Magistrate First Class, Corporation Court 2, Nagpur in Miscellaneous Criminal Application 2916/2020 is dismissed.

4. The learned Magistrate exercised jurisdiction under Section 17 of the Immoral Traffic (Prevention) Act and directed that the petitioner, who admittedly is a major, may be kept in Karuna Mahila Vastigruha, Nagpur which is a rehabilitation centre. Allegedly, the petitioner and four others were rescued from the premises of First Step Spa and Unisex Saloon pursuant to a police raid, which culminated in registration of Crime 412/2020. The petitioner did make an attempt, through her brother-in-law, to persuade the learned Magistrate to direct her release from the protective custody. However, the attempt failed and as noted supra, the appellate Court declined to interfere.

5. The appellate Court observes thus :

“9. In the present case, the victim/appellant is major. She has stated that she is residing with the sister of the accused in the present crime. In view of the above observations of the Hon’ble High Court in the above cited case, the victim being major, her fundamental right to move from one place to another place, reside at the place of her choice and to chose her vocation has to be considered, and contrary to her wishes

she can not be asked to reside in the Corrective Institution. Upon going through the statement of the victim recorded by the trial Court, it appears that she neither specifically stated before the Court about her family background nor stated about her willingness as to whether she wants to reside. The trial Court has rightly considered this fact while passing the order, therefore, the said order is not require interference. Therefore, I answer points no. 1 and 2 accordingly. Hence, in answer to point no. 3, I pass the following order-

ORDER

Appeal is dismissed.”

6. In view of the reasons spelt out by the appellate court, this Court thought it appropriate to interact with the petitioner. Accordingly, she is produced by the Superintendent of Karuna Mahila Vastigruha, Nagpur. The petitioner reiterates her submission which is elaborated in the petition that she desires to reside with her aunt, that she has acquired stitching skills while at the protective home and intends to earn her livelihood by employing such skills.

7. The learned Additional Public Prosecutor Mr. Mehroz Pathan states that the Superintendent of Karuna Mahila Vastigruha has personally interacted with Mrs. Jethiya Parasram Sahu, aunt of the petitioner, who has assured that she is more than willing to accommodate the petitioner. The Probation Officer of the protective home is personally present and she has no specific objection nor does

she nurture an apprehension that residing with her aunt would not be in the interest of the petitioner.

8. Considering that the petitioner is an adult and that neither the protection centre nor the N.G.O. which this Court is informed has assisted the protection centre, have any apprehensions, in the opinion of this Court, the petitioner is entitled to reside at a place, and with a person, of her choice.

9. The orders impugned are quashed.

10. The respondents are directed to release the petitioner from the protective custody forthwith.

11. This Court would appreciate if the Probation Officer remains in touch with the petitioner and her aunt, for such time the Probation Officer deems fit, to ensure that the petitioner is not facing any difficulty or problem.

12. Rule is made absolute in the aforestated terms.

13. The parties to act on steno copy.

JUDGE

wasnik