

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

...

CRIMINAL APPLICATION (ABA) NO. 20/2023

Siddarth s/o Madan Sakhare

.. Applicant

versus

The State of Maharashtra

Th: Its PSO PS, Panchpaoli, Nagpur

.. Respondent

.....
Mr. S.Wahane, Advocate for the applicants

Mr. Nitin Rode, APP for the Respondent-State
.....

CORAM: ANIL L.PANSARE,J.

DATED : 12th January, 2023

PC:

Heard the learned counsel for the respective parties at length.

2. The applicant, who is the Vice-President of Manvadhikar Sanshodhan Association, Nagpur, is apprehending his arrest in Crime No. 1148/2022 registered with Panchpaoli Police Station, Nagpur, for the offences punishable under Sections 42 and 75 of the Juvenile Justice (Care & Protection of Children) Act, 2015. The applicant runs an old-age home, namely, Manav Bal Vriddha Ashram. He had admitted two children namely, Ku.Somya, aged 5 years and Ku. Pratibha, aged 7 years, in the Old Age Home.

3. Upon inquiry, the learned Advocate for the applicant submits that the applicant has no license to admit the children. Despite such status, he has admitted the above-named two children. The Child Protection Officer has, on 15th September 2022, visited Manav Bal Vriddha Ashram and found these two children in the hostel. The building was very dirty, there was no sanitation facility, the beds were kept on the gas burner, there was no smoke outlet and there was no sufficient light and air, so also no staff was employed to take care

of these girls. The girls were found in danger and therefore, she lodged the report in the Police Station.

4. It was the contention of the learned counsel before the learned Sessions Court that the applicant was not aware of the legal provisions but was looking after the girls as a part of social work.

5. The learned APP would submit that ignorance of law cannot be a defence when the precious lives of minor children were put in danger.

6. The learned Advocate for the applicant submits that the maximum punishment for the offences alleged is three years and that nothing is to be recovered at the instance of the applicant.

7. The order impugned, however, shows that there is an angle of human trafficking and, therefore, the investigating machinery intends to interrogate the applicant to find out the chain of persons involved in the alleged crime. The learned Sessions Court observed that social work does not permit anyone to leave girls in an unhygienic and pitiful condition, that too without registering the child care institute.

8. Considering the nature of allegations and the material placed before me, I am of the view that though the offence in question provides for a maximum punishment of three years, but the offence cannot be said to be a minor offence. Exploiting the children and putting them in a condition dangerous to their lives is a heinous crime. The allegations necessitates a thorough investigation, for which custodial interrogation may be required. I, therefore, do not find any substance in the Application. The same is rejected at the threshold.

[ANIL L. PANSARE, J.]

sahare