



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

CRIMINAL WRIT PETITION NO.659/2023

Dinesh Ramchandra Brahmane .vs. State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. S. P. Giratkar, Advocate appointed for petitioner.
Mr. A. R. Chutke, A.P.P. for respondents.

CORAM : ANIL L. PANSARE, J.

DATE : 04.09.2023

Heard.

The petitioner – husband has challenged order dated 22.06.2023 passed by learned Additional Sessions Judge, Nagpur in Criminal Revision No.143/2023, thereby rejecting the application challenging the order dated 29.03.2023 passed by learned Judicial Magistrate First Class, Court No. 8, Nagpur in Misc. Criminal Application No.1295/2023.

It appears that the victim – wife of the petitioner – husband has been booked under Sections 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956 (For short the “PITA”), in Crime No.81/2023. She has been medically examined at Mayo Hospital, Nagpur, in which she is detected HIV positive. The probation officer of Mahila Vasatigruha, where she has been given shelter for the time being, stated that her economical and social condition is poor. The Courts below have, thus, refused the custody on the ground that if the victim – wife is released, she is likely to indulge in the same activities.

Learned Magistrate has directed to continue her in rehabilitation centre for one year.

Learned counsel for the petitioner submits that the medical reports are doubtful inasmuch as the medical report of the husband is negative, which itself indicates that the medical report of wife is incorrect.

I do not find any substance in the aforesaid submission. The argument put forth has several facets. It could be argued that the husband is fully conversant with the activities of the wife and is not indulging into the physical activities with his wife.

Be that as it may, considering the fact that both the courts below have expressed a view, which is consistent with the material placed before the courts below, that the victim – wife is likely to engage into similar such activities, if released, I am not inclined to interfere, under Article 227 of the Constitution of India. The petition is, therefore, dismissed at the threshold.

(Anil L. Pansare, J.)