

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 169 OF 2024**

1. Sandip Kumar Ravindra Prasad Singh
2. Niteshkumar Rajnandan Singh
3. Naresh Sundarlala Khatil ...Applicants
Versus
State of Maharashtra ...Respondent

Mr. S.K. Ali with Asif Ali, Shabi Fatma and Pratibha Gupta and Sadanand Rajbhar i/b A.A. Siddiqui & Associates for the Applicants.

Ms Sangeeta D. Shinde, APP for the Respondent/State.

**CORAM : N. R. BORKAR, J.
DATE : 2 MAY 2024.**

PC:-

1. The applicants are accused Nos.1,3 and 4 respectively in Sessions Case No. 112 of 2018 pending on the file of Sessions Court, Alibag and are facing prosecution for the offences punishable under Sections 370(3) read with 34 of the Indian Penal Code, Sections 4,5 and 6 of the Prevention of Immoral Traffic Act and under Sections 67 and 67(A) of the Information Technology Act, 2000.

2. By the impugned order dated 22.12.2023, the learned Sessions Court rejected the application filed by the present applicants, for discharge.

3. It is the case of the prosecution that on 24.07.2018, the police received an information that some persons are running prostitution racket through website 'Raigad Escorts Service 24/7' and 'oklute.com'. Thus, dummy customers were arranged

and they were made to contact on the phone number, which was mentioned on the said websites. It is alleged that the accused agree to provide women/girls for prostitution and dummy customers were told to come to Hotel Radisson Resort and Spa, Alibag. Trap was laid and four victims were found. During inquiry with the victims, it was found that accused Nos.2, 5 and 6 were running the said prostitution racket. According to the prosecution, the car in which the victims were taken to Alibag from Mumbai was provided by applicant Nos.2 and 3 and applicant No.1 was driver on the said car. According to the prosecution thus they are involved in the alleged crime.

4. I have heard learned counsel for the applicants and learned APP for the respondent/State.

5. Learned counsel for the applicants submits that the applicant Nos.2 and 3 are in tour and travel business. It is submitted that accused No.5 hired the car from them to travel from Mumbai to Alibag. It is submitted that the applicants are in no way concerned with the alleged prostitution racket, which the other accused were allegedly running. It is submitted that there is no material in the entire charge-sheet to show the involvement of the applicants in the alleged crime. It is submitted that the trial Court was thus not justified in rejecting the application filed by the applicants for discharge.

6. On the other hand, learned APP for the respondent/State submits that the victims were taken from Mumbai to Alibag by the car which was provided by applicant Nos.2 and 3 and

applicant No.1 was driver on the said car. It is submitted that defence of the applicants cannot be considered at this stage and therefore, the trial Court was justified in rejecting their application for discharge.

7. I have perused the charge-sheet. The victims in the present case are foreign nationals. They have not attributed any role to the present applicants. There is no material in the charge-sheet to show that on earlier occasion also the co-accused involved in the alleged prostitution racket had hired vehicles from applicant Nos.2 and 3. There is also no material to show that applicant Nos.2 and 3 were in their contact. There is no material to show that the applicants had received money from them out of alleged prostitution racket. In absence of such material, the trial was not justified in rejecting the application filed by the applicants for discharge. The order impugned therefore, will have to be set aside. In the result, the following order is passed.

ORDER

A] Criminal Revision Application is allowed.

B] The impugned order dated 22.12.2023 passed by the Sessions Court, Raigad - Alibag below Exhibit-27 in Sessions Case No.112 of 2018 is hereby set aside. The application filed by the applicants for discharge is allowed. Consequently, they are discharge from the case in question.

(N.R. BORKAR, J.)