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

**PUBLIC INTEREST LITIGATION NO. 14 OF 2024
WITH
INTERIM APPLICATION NO. 3361 OF 2024**

Shahaji Ramdas Jagtap**.. Petitioner****Versus****The State of Maharashtra & Ors.****.. Respondents**

Ms. Manjiri Parasnis a/w Mr. Omkar Patil, Ms. Sunita Salsingikar for petitioner.

Mr. H. S. Venegavkar, Government Pleader with Mr. Tanveer Khan, APP for respondent nos.1 to 3 and 5.

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**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
AMIT BORKAR, J.**

DATE: 22nd AUGUST, 2024

P.C.:

- 1.** On the oral prayer made by the learned counsel for the petitioner, let Maharashtra State Commission for Women and Director General of Police, State of Maharashtra, be impleaded as party-respondents.
- 2.** Necessary amendments shall be incorporated by the learned counsel for the petitioner during the course of the day. Re-verification is dispensed with.
- 3.** Issue notice to the respondents.
- 4.** Learned APP has put in appearance on behalf of respondent nos.1 to 3 and newly added respondent no. 5 - Director General of Police, State of Maharashtra.

5. This PIL petition raises concern about the alleged inaction on the part of the State Authorities in relation to the necessary action which is warranted in cases where many women and children are reported missing. In an answer, the Loksabha was informed on 14th March, 2023 that in State of Maharashtra number of children below 18 years who are reported to be missing is very high. According to the data, as informed to the Loksabha, in the years 2019, 2020 and 2021 the number of missing children was 4562, 3356 and 4129 respectively. Similarly, number of missing women in the years 2019, 2020 and 2021 was 35990, 30089 and 34763 respectively.

6. There may be various cases of the children and women going missing, however, it is the duty of the State to trace them and protect them and, if necessary, give them in safe custody. One of the reasons for such staggering number of missing children and women in the State of Maharashtra possibly is a menace of human trafficking and for which all the authorities, namely, the different government departments, Government Railway Police, Railway Protection Force etc. need to work in tandem to check such incidents.

7. Our attention has been drawn by the learned counsel for the petitioner to an order dated 14th November, 2002 passed by the Hon'ble Supreme Court in the case of Hori Lal vs. Commissioner of Police, Delhi and Ors., reported in 2002 SCC OnLine SC 37, wherein, after discussing various provisions of the Code of Criminal Procedure, namely, Sections 97 and 98, several directions have been issued.

8. We, thus, call upon the respondents 1 to 3 to file affidavit-in-reply which will contain the mechanism, if any, available with the State Government and its authorities not only to trace the missing children/women but also how to check such incidents. The affidavit to be filed under this order shall also disclose the measures which are in place and have been applied or are being applied by the State of Maharashtra to check human trafficking, specially that of young children and women.

9. We also call upon the Maharashtra State Commission for Women to file a response and suggest measures to be adopted and taken by the State of Maharashtra to check such incidents.

10. We also call upon the Director General of Police, State of Maharashtra to file affidavit-in-reply to this PIL petition bringing on record the steps/measures which are being taken by the Government Railway Police in the State of Maharashtra to check human trafficking.

11. The affidavits-in-reply under this order shall be filed within four weeks, to which rejoinder-affidavits, if any, shall be filed by the petitioner within two weeks thereafter.

12. Stand over to **10th October, 2024**. To be listed **High on Board**.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)