

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 3414 OF 2025**

Rescue Foundation
Through Superintendent,
Leena Pramod Jadhav

.....Petitioner

Vs.

Union Of India & Ors.

.....Respondents

Mr. Ashley Cusher for the Petitioner.

Mr. Ajay Patil APP, for the Respondent-State.

Ms. Yashashree Raut i/by Mrs. Manisha Jagtap for the Respondent No.1-
UOI.

Mr. Sachin Gavas, Sr. PI. and Mr. Balasaheb Raut, PI.,DCB, CID, Unit-12
Dahisar, Mumbai present.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 11th MARCH, 2026.

PC.:-

1) By this Petition under Article 226 of the Constitution of India, the Petitioner seeks permission for repatriation of the victim, namely Esha Yakub Hussain @ Noopur, to her country of origin i.e. Bangladesh. She is a victim in CR No.641 of 2024 registered with Dahisar Police Station, Mumbai for offences punishable under Sections 366-A, 366-B, 370-A(1), 370(3), 370 (5) of the Indian Penal Code; Sections 4 and 5 of the Immoral

Traffic (Prevention) Act, 1956 and under Sections 16, 17 and 18 of the Protection of Children From Sexual Offences Act, 2012.

2) Upon receipt of a confidential information, the Police conducted a raid at a certain premises where the victim was found engaged in the vocation of prostitution. It is the case of the Petitioner that she was lured by a woman in Bangladesh, on the pretext of being offered employment in India at a Beauty Parlour for handsome remuneration.

2.1) Being in dire financial need for repayment of the money borrowed by her husband, the victim accepted the said offer and travelled to India without any documents, with the assistance of an agent who helped her crossing the border of Bangladesh to enter into India. As noted earlier, she was found engaged into a vocation of prostitution during the raid conducted at the brothel. The said victim i.e. Ms. Noopur, is mother of a child aged about 6 years, who presently resides in Bangladesh.

3) It appears that the aspirations of the victim were shattered when she was forced into prostitution by the agent who helped her in illegally crossing the border of Bangladesh and entering in India. Presently, the said victim is lodged in the shelter of the Petitioner Foundation, which is taking care of her.

4) By an Order dated 8th October, 2025, our predecessors had directed the State to take steps to ensure recording of evidence of the

victim in the trial by making an appropriate request to the trial Court.

4.1) Today, we have been informed by the prosecution that the trial Court has scheduled the matter for recording evidence on 24th March, 2026. However, no satisfactory explanation is offered as to why the evidence of the victim has not been recorded from 8th October, 2025 till date, despite the earlier Order of this Court.

4.2) We therefore direct the Registrar, Sessions Court, Greater Mumbai, to submit its detailed report to this Court explaining why the evidence of the victim in a case involving offences under Section 370-A of IPC read with Sections 16, 17 and 18 of the POCSO Act, 2012 has not been recorded expeditiously. The said report be submitted to this Court on or before 24th March, 2026.

5) At this stage, learned counsel for the Petitioner submits that the Petitioner has fallen ill and is presently admitted in Bharatratna Dr. Babasaheb Ambedkar Municipal General Hospital (Shatabdi Hospital), Kandivali (West), Mumbai.

5.1) The victim has no independent source of livelihood and continues to remain under the care and protection of the Petitioner Foundation. Learned counsel for the Petitioner submitted that, for the time being the Petitioner Foundation is bearing medical expenses for the treatment of the victim.

5.2) Learned counsel for the Petitioner further submits that, as a matter of fact, the repatriation permission had earlier been granted by the Union of India, however the trial Court did not frame charges or record the evidence of the victim expeditiously, and therefore the said permission has lapsed.

6) *Prima facie*, it appears to us that, it is due to the lapses and fault of the concerned entities, the victim continues to suffer despite being the victim of a serious offence.

7) In view of the above, the following Order is passed:-

- a) We direct the learned Judge of the trial Court to frame charges in Special Case No.1595 of 2024 by Friday i.e. 13th March, 2026.
- b) In the event, if any of the accused persons are absconding, the trial Court shall adopt necessary steps to separate the trial of the concerned accused and proceed to frame charges against the available accused.
- c) The said procedure be adopted as per the provisions of law.
- d) We further direct the learned trial Judge to comply with the Order dated 8th October, 2025 passed by this Court i.e. recording of evidence of victim, by 24th March, 2026, so as to facilitate her repatriation to her country of origin i.e.

Bangladesh.

- e) The Registrar, Sessions Court, Greater Mumbai, shall submit its detailed report through proper channel to this Court on or before 24th March, 2026.
 - f) The Registrar (Judicial-II) to communicate this Order to the Registrar, Sessions Court, Greater Mumbai as early as possible through all available modes.
- 8) Stand over to 25th March, 2026.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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MASHALKAR
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