

MHCC020006842025



Presented on	10/01/2025
Registered on	10/01/2025
Decided on	21/08/2026
Duration	01Y/07M/11D

IN THE COURT OF SESSIONS FOR GREATER MUMBAI,

BRANCH AT MAZGAON

CRIMINAL APPEAL NO. 23 OF 2025

IN

R.A.NO.42/2024

IN

C.R.NO.739/2024 OF D.B.MARG POLICE STATION

XYZ (Victim),

Age: 38 Years, Occu.: Housewife,
Residing at TMA No.1864, Kwaja Garib
Nawaz Chawl, Shanti Nagar, Kalwa East,
Thane- 400 605. Through her Son Sagar ...Appellant /Victim
Somnath Biswas

VERSUS

The State of Maharashtra,

(At instance of B.B. Marg Police Station
vide their CR No.739 of 2024)

...Respondent

Pradeep P. Kumawat, Ld. Advocate for the appellant.
Ms. B. G. Pande, Ld. APP for the State/respondent.

**CORAM : H.H.J. THE ADDL. SESSIONS JUDGE SANGRAM S.
SHINDE, COURT ROOM NO.86.**

DATE : 21st August, 2026.

JUDGMENT

(Delivered On 21/08/2026)

01. This is an appeal under Section 21 of Immoral Traffic (Prevention) Act, 1956 (in short PITA Act) against the order of the Ld. Metropolitan Magistrate, 54th Court, Sewree, Mumbai in R.A. No.42/2024 in Cr. No.739/2024 of Dr. Marg Police Station dated 26/11/2024, whereby appellant is detained for a period of one year.

02. Parties are referred to their original nomenclature.

The brief facts of the case are as follows:

03. It appears from record that six victims were produced before learned Magistrate, Special Court for PITA. The learned Magistrate called report from Probation Officer as well as NGO 'Prakruthi'. Even, medical reports of victims were called. On perusing said medical reports, the learned Magistrate reveled that victim No.5 i.e. appellant was detected VDRL, reactive and TPHA Test positive after medical examination i.e. syphilis infection. It is a sexually transmitted infection (STI). The learned Magistrate observed that there is possibility of involvement of victim No.5/appellant in flesh trade and it might spread infection. Therefore, except victim No.5/appellant all other victims were released on their own undertaking. However, victim No.5/appellant was detained for a period of one year for getting proper medical treatment and further rehabilitation. It is submitted by the appellant that the learned Magistrate has not considered important facts in the present case that appellant is 38 years old lady and she can take her care. Further, by detaining her no purpose would serve. The son of appellant is seeking custody of appellant. Hence, impugned order may be set aside. Hence, appeal may be allowed.

04. On the other hand, the learned APP has supported the

impugned order passed by learned Magistrate. However, it is submitted that already victim No.5/appellant has been released vide judgment and order dated 25/09/2025 passed in Criminal Appeal No.545/2025. Therefore, this appeal is not sustainable.

05. After perusing record and hearing, the following points arise for my consideration and my findings thereon are given with the reasons stated hereinafter :-

Sr. No.	POINTS	FINDINGS
1	Is impugned order dated 26/11/2024 passed by the learned Magistrate is legal and proper?	Redudant
2	Whether the judgment and order of trial court requires to be interfered?	Redudant
3	What order ?	As Per Final Order.

REASONS

06. Perused appeal memo and record. Heard learned APP. The appellant is absent. It appears that appellant has challenged impugned order on various grounds as she was detained for a period of one year. However, as per submission of learned APP, it reveals that victim No.5/appellant is already released vide vide judgment and order dated 25/09/2025 passed in Criminal Appeal No.545/2025. The learned APP has filed photocopy of said judgment and order on record. On perusing said copy, it appears that appellant/victim No.5 in the present case and case is one and the same i.e. in R.A. No.42/2024 in Cr. No.739/2024 of Dr. Marg Police Station. Therefore, I am of the view that there is no need to go into merits. The present appeal is not maintainable and liable to be dismissed. Hence, I answer points No.1 and 2 as redundant

and in answer to point No.3, I proceed to pass following order:-

ORDER

1. Criminal Appeal No.23 of 2025 stands dismissed.
2. Criminal Appeal No.23 of 2025 is disposed of accordingly.

(Order dictated and pronounced in open Court)



Date : 21/08/2026.

Dictated on : 21/08/2026.
Signed on : 21/08/2026.

**(Sangram S. Shinde)
Addl. Sessions Judge,
Sessions Court, C.R. No.86,
Mazgaon, Gr. Mumbai.**

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”		
Upload Date	Upload Time	Mahesh Shamrao Lugade Name of Stenographer
21/08/2026	5.30.PM.	
Name of the Judge (With C.R. No.)		HHJ SHRI SANGRAM S. SHINDE (COURT ROOM NO.86)
Date of Pronouncement of JUDGMENT / ORDER		21/08/2026
JUDGMENT / ORDER signed by P.O. on		21/08/2026
JUDGMENT / ORDER uploaded on		21/08/2026