

MHMM12-022296-2016 	Presented on : 30.05.2016 Registered on : 30.05.2016 Decided on : 04.07.2026 Duration : 10 years, 01 months, 04 days
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Title Page of Judgment.

-- Part "A"--

<u>IN THE COURT OF JUDICIAL MAGISTRATE (FIRST CLASS),</u> <u>15th COURT, MAZGAON, MUMBAI</u> Present : Smt. A. M. Tamne 15th Judicial Magistrate (First Class), Mazgaon, Mumbai. Date of the Judgment : 04.07.2026 Police Case No.474/PW/2016 Exhibit No.18	
Complainant / Informant	State of Maharashtra Through Nagpada Police Station. (C. R. No.70/2016)
Represented by	Ld. APP Smt. Komal Katu
Accused	Sanjay Chittaman Yadav, Age – 40 years, Occu.: Agent, Res. at – Bunglow No.51, Kamathipura 13 th lane, Nagpada, Mumbai.
Represented by	-----

-- Part "B"--

Date of offence	04.03.2016
Date of FIR	04.03.2016
Date of Charge-sheet / Complaint	30.05.2016
Date of Framing Charge /	13.06.2016

Particulars	
Date of commencement of evidence	09.06.2026
Date of which judgment is reserved	04.07.2026
Date of the Judgment	04.07.2026
Date of the Sentencing order, if any	N.A.

--Accused Details--

Sr. No.	Name of Accused	Date of Arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of Section 468 BNSS.
1.	Sanjay Chittaman Yadav	04.03.2016	03.06.2016	Under Sections 4, 5, 6 of the Immoral Traffic (Prevention) Act	Acquitted	--	--

-- Part "C" --

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES.

A- Prosecution/Complainant :-

Rank	Name	Nature of Evidence
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		(Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
PW – 1	Manjiri Mahendra Jadhav	Witness
PW – 2	Poonam Amol Jedhe	Witness

B - Defence Witnesses, if any :

Rank	Name	Nature of Evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
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C- Court Witnesses, if any :

Rank	Name	Nature of Evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

Sr. No.	Exhibit Number	Description
1	Exhibit – 14	Examination-in-chief of PW No.1
2	Exhibit – 17	Examination-in-chief of PW No.2

B. Defence :

Sr. No.	Exhibit Number	Description
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C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Exhibit – 4	Plea
2	Exhibit – 3	Charge

D. Material Objects:

Sr. No.	Exhibit Number	Description
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JUDGMENT

(Delivered on 04.07.2026)

1. The above case arises out of F.I.R. bearing C.R. No.70/2016 registered at Nagpada Police Station on 04.03.2016 for offence punishable under Sections 4, 5, 6 of the Immoral Traffic (Prevention) Act, against accused.

2. Summary of prosecution case and evidence of the prosecution case, in brief, is that informant was on night shift duty on 04.03.2016. He received confidential information that near Apolo Hotel, R. M. Nimkar Marg, Kamathipura 11th Lane, Nagpada, Mumbai, towards West side, in one portion of a shop, a prostitution business is carried out by few women. Police inspector Deshmukhe asked informant about raid to the said shop. Accordingly, police, panch went to the spot along with laptop and other required material. When they reached to the spot they noticed one person is wondering there. His movements were suspicious.

They have asked that person his name. He communicated that his name is Sanjay Yadav. They also found ten women at the said spot. Those women communicated that they are voluntarily doing prostitution. Those women also communicated that Sanjay Yadav acts as a pimp. Police have taken Yadav in custody. Police have also taken those women in custody for safety purpose. Police have lodged complaint against the accused at Nagpada Police Station, Mumbai. Crime was registered vide C.R. No.70 of 2016. Investigation followed. During investigation police prepared panchanama and recorded statement of witnesses. After investigation charge sheet was filed. Charge was framed against the accused.

3. The trial against accused could not proceed in the normal course because the accused has been absconding since long. Proclamation under Section 87 of the Code of Criminal Procedure was issued against him and all due processes to secure the presence has been exhausted. Despite continuous efforts for more than 10 years, the accused remains un-traced and could not be produced before the Court.

4. My Ld. Predecessor, vide order below Exh.1 dated 22.04.2025, directed that the case against the absconding accused be proceeded as per Section 299 of the Code of Criminal Procedure. Accordingly evidence is recorded. Summons were issued to the witnesses. Two witnesses were available. They were examined on 09.06.2026 and 01.07.2026 vide Exhs.14 and 17 respectively.

5. Following points emerge for my determination and I record my findings thereon as under :-

Sr. No.	POINTS	FINDINGS
1.	Does the prosecution prove that on 04.03.2016 in between 00.15 hrs. to 01.15 hrs., near Apolo Hotel, Kamathipura 11 th Lane, near one shop, Nagpada, Mumbai, accused found knowingly living on the earnings of prostitution and thereby committed an offence punishable under Section 4 of the Immoral Traffic (Prevention) Act?	No
2.	Does the prosecution prove that on above mentioned date, time and place accused found procuring, inducing and taking 10 victims for the sake of prostitution and thereby committed an offence punishable under Section 5 of the Immoral Traffic (Prevention) Act?	No
3.	Does the prosecution prove that on above mentioned date, time and place accused detained ten victims in a shop where prostitution is carried out and thereby committed an offence punishable under Section 6 of the Immoral Traffic (Prevention) Act?	No
4.	What order?	Accused is acquitted.

REASONS

AS TO POINT Nos.1 TO 3:

6. To establish guilt of the accused, two witnesses examined by the prosecution. Both the witnesses are police witnesses. Upon careful perusal of their entire testimony, it is clear that both the witnesses were present at the time of raid. PW-1 has stated that when police along with panch witnesses reached to the spot they noticed that one person was

acting as a pimp on behalf of the prostitutes. There were ten prostitutes. Arrested person communicated that he used to keep half amount for himself and remaining half amount he used to give to those prostitutes. Nothing is stated by PW-2 in her evidence. She only stated that she accompanied the raiding party and eight to nine prostitutes were taken in custody.

7. After perusal of the evidence on record, it is clear that both the witnesses were members of raiding party. Prosecution failed to examine the victims to prove that accused was living on their earnings. It is not proved that the accused procured, induced victims for prostitution and detained those victims for prostitution purpose. On the contrary the witnesses has stated that those victims were doing prostitution business. Prostitution itself is not an offence. Living on the earnings of prostitution, inducing person for prostitution and detaining person for prostitution purpose is an offence.

8. The prosecution has utterly failed to bring on record any evidence, direct or circumstantial, connecting the accused with the alleged offence. There is no evidence against the accused to prove offence punishable under Sections 4, 5, 6 of the Immoral Traffic (Prevention) Act. When there is no evidence at all against accused, the question of drawing any presumption or proceeding further does not arise. Hence I answer point nos.1 to 3 in the negative and in answer to point no.4, I pass the following order :

ORDER

(A) Accused Sanjay Chittaman Yadav is acquitted as per Section

Judgment

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C. C. No. 474/PW/2016

248(1) of the Code of Criminal Procedure of the offence punishable under Sections 4, 5, 6 of the Immoral Traffic (Prevention) Act.

(B) Any pending warrants against the accused shall stand cancelled.

(C) Judgment is dictated and pronounced in Open Court.

Date : 04.07.2026

(A. M. Tamne)
Judicial Magistrate (First Class),
15th Court, Mazgaon, Mumbai

Judgment typed on	04.07.2026
Judgment signed on	04.07.2026

I affirm that the contents of this PDF file judgment are same word for word as per original judgment.

Name of Steno : S. R. Parab

Date : 04.07.2026

Signed by P.O. on : 04.07.2026

Uploaded on : 04.07.2026