

**Emperor Vs. Ismail Rustomkhan**

**Emperor Vs. Ismail Rustomkhan**

**SooperKanoon Citation :** [sooperkanoon.com/331006](http://sooperkanoon.com/331006)

**Court :** Mumbai

**Decided On :** Feb-14-1906

**Reported in :** (1906)8BOMLR236

**Judge :** Lawrence Jenkins, ;K.C.I.E., C.J. and ;Russell, J.

**Appeal No. :** Criminal Appeal No. 580 of 1905

**Appellant :** Emperor

**Respondent :** ismail Rustomkhan

**Judgement :**

Lawrence Jenkins, K.C.I.E., C.J.

1. The first accused brought a little girl of 10 or 11 to Bombay, and when she came here she undoubtedly was in his possession. It is clear that the girl passed from his possession into the possession of accused No. 2, and that accused No. 1 disposed of and accused No. 2 obtained possession of the girl in Bombay.

2. I further hold that the disposal and the obtaining of possession was with the intent that such minor should be employed or used for the purpose of prostitution. The learned Magistrate, however, thought that the fact that this little girl had been employed as a prostitute at Manmad deprived her of the protection that Sections 372 and 373 afford to minors. I cannot agree with this view : it is not required by the words of the spirit of the sections.

3. I am therefore of opinion that the acquittal by the Magistrate is erroneous, and that both the accused should be convicted.

4. The sentence that we pass on each of the accused is two years' rigorous imprisonment.

**Russell, J.**

5. I am of the same opinion.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**