

**In Re: Bharathi and anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/776291](http://sooperkanoon.com/776291)

**Court :** Chennai

**Decided On :** Aug-01-1957

**Reported in :** 1958CriLJ646

**Judge :** Ramaswami, J.

**Appellant :** In Re: Bharathi and anr.

**Judgement :**

**Ramaswami, J.**

1. Two girls by name Bharathi and Vanajakshi have been sent to the Stri Sadhana for rehabilitation under Section 6 (ii) of the Madras Suppression of Immoral Traffic Act.
2. The Inspector of Police, E Division, found these two girls under the age of 18 being: used for immoral purposes by one Varalakshmi who pretended to be an extra in the cinemas, but really a brothel keeper.
3. There were enquiries by the Probation Officer, 5th Circle, and the girls agreeing that they were being so misused also informed the Probation Officer that they were fed up with the life led by them and wanted a chance to be give to them. Therefore, the matter came up before the Juvenile Court composed of four lady Magistrates.

I must agree with the learned advocate Mr. Krishnamurthi that the strict formalities prescribed by law, the summons procedure, was not followed in the trial of these cases. But in applying the strict procedure under the summons cases, we have to remember two things, viz., that the presiding Magistrates are philanthropic ladies unversed in law and secondly they are snuff expected to concentrate their attention upon rehabilitation and not upon nice technicalities of procedure. In fact they are expected to follow as far as possible the summons procedure.

4. This does not mean, however, that all formalities of procedure may be dispensed with, because it will not be summons procedure but will be a horribly summary procedure. Therefore, it is impressed upon these lady Magistrates that in future they should adhere as far as possible to the summons procedure in the trial of cases before them and make that evident by recording them in their registers and records.

5. In these cases, however, we need not discuss those nice technicalities for the simple reason that the girls have been sympathetically examined by the Magistrates who seem to have had a hearty woman to woman chat with them and they have come out with their entire tragic stories which clearly show that they are in need of care and protection and of being rehabilitated in the Stri Sadhana. The Magistrates' orders are irreproachable.

6. But the learned advocate points out that attempts should also be made to find out whether suitable relatives would come forward to take care of these girls. We do not want to institutionalise every girl who has strayed from the path of virtue. On the other hand, the fostering care, love and affection of relatives would be a far greater corrective than the mechanical life led in an institution, however sympathetically and however efficiently it may be managed. These are undoubtedly representations of grave import which once again I impress upon these Magistrates.

7. In these cases two relatives came forward and the Probation Officer considered them to be unsatisfactory persons for taking care of these girls. This does not mean, however, that the girls must undergo the full term of their period in the institution. On the other hand, if these very relatives bring forward decent offers of

marriage and the girls are .willing to get married, provided they do not offend the age limits, or if better shelters than these already offered the forthcoming, the authorities should seriously think of releasing these girls from the institution.

I trust the authorities of the institution will exercise their discretion in a liberal manner in favour of the girls, provided that would mean a .better chance to lead regular lives. That is what the learned advocate for the appellants urges very properly.

8. in the result, there are no further grounds to interfere except that it is hoped that the final destiny of these girls will be shaped in the light of the observations made above.

9. With these above observations, these appeals are dismissed.

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