

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALS] NO.88 OF 2015

The State of Maharashtra	..Applicant
<i>Versus</i>	
Vinod Shivaji Chougule	..Respondent

....
Mr. A. R. Patil, APP, for the Applicant-State.
....

CORAM : A. R. JOSHI, J.

DATE : 26th AUGUST, 2015

P.C.

1. Heard learned APP for the State on the application for leave to file appeal.
2. The respondent is acquitted of the offence punishable under Section 354A of IPC and under Section 8 of the Protection of Children from Sexual Offences Act vide order dated 9.1.2015 passed by the Special Judge, Sindhudurga, Oras.
3. The case of the prosecution in nutshell is that on 18.2.2013 the respondent/accused, a teacher of the school, came in the class of eighth standard "A" Division. It was the off period and the regular teacher was absent. After coming in the

class the respondent/accused told all other students to continue with their school study but asked the complainant girl to come out of the class-room. He took the girl in a empty class-room of eighth class "C" Division and in that room he demanded a kiss from the girl. The girl became frightened and ran away from the room and came back to her class-room of "A" Division and narrated the incident to her other friends. Thereafter in the evening this event was informed to the father of the girl by one intermediary who was one political worker in the said area. After discussion and deliberations, the complaint was lodged with the police after four days.

4. What weighed with the trial Court was no convincing substantive evidence of the sole prosecutrix girl regarding the actual incident of the respondent/accused allegedly asking for sexual favour. Also what weighed with the trial Court was the variance in the substantive evidence of other prosecution witnesses and the story told by the prosecutrix girl. Also what influenced the trial Court was the apparent conduct of the father of the prosecutrix in not lodging the complaint immediately with the police but trying to enter into a sort of

compromise with the respondent / accused inasmuch as according to the father of the prosecutrix if the respondent would have been removed from the employment in the school by the management of the school, he would not insist on lodging a complaint against the respondent. The trial Court has also observed that there was some dispute between the Management and the school and said intermediary at whose instance the decision was taken to lodge a complaint with the police.

5. Considering the reasoning given by the trial Court and considering the substantive evidence of prosecution witnesses, in the opinion of this Court it cannot be said that the judgment and order of acquittal is of such a pervert nature so as to be interfered with by allowing the State to prefer an appeal challenging the acquittal of the respondent. In the result, there is nothing to allow the present application for leave to file appeal and the same is accordingly dismissed and disposed of.

(A. R. JOSHI, J.)