

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No.359 of 2015
(Harishchandra Nukulwar V State of Maharashtra thr PS0 PS Rajura,
Chandrapur)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's orders

[Shri P.R. Sitre, Adv for applicant.
 Shri A.K. Bangadkar, APP for State]

CORAM : A.B. CHAUDHARI, J.

DATED : 25.06.2015.

Heard the learned Counsel for the
 rival parties.

The applicant is a teacher who is aged about 54 years working as Lecturer in Zilla Parishad Junior College, Rajura. The complainant Ku. Dhanshree, aged about 17 years belongs to Scheduled Tribe and is learning in that college. The applicant called her at his house by telling her that he would teach her English grammar and then, after entering into the house, the applicant taught her some English grammar and at about 4.15 p.m., he started outraging her modesty by catching her hand and making some acrobatics of spraying the perfume on her person from back and front side. Somehow the complainant could escape from his house and ran towards the bus stop for going towards her village. Luckily she got a bus which was to go to her village and sat in the bus. At that time, the

applicant followed her to bus station and by giving mobile call asked her to get down from the bus.

On 10-06-2015 at about 10.15 a.m. he made a phone call to her and promised her to increase her percentage and also to pass her in the examination. Thereafter, on 11-04-2015 and 13-04-2015 he entered her class room and threatened her to declare her fail in the examination. The girl is 17 years old and therefore the provisions of the Protection of Children from Sexual Offences Act, 2012 have been applied. The trial Judge, after perusing the case diary, observed in para no.5 of the impugned order, which reads thus :-

5] Perused the entries of the case diary. It appears that the alleged incident occurred from 9-4-2015 till lodging of the complaint. Age of the complainant appears to be 17 years and she is student. Statements of the witnesses recorded by the police show that there is prima facie case against the accused. Several persons of that locality and several associations lodged the complaint to the PSO, Rajura, with the request to take stern action against the accused. Record shows that even after the commission of the offence, accused dared to remain present in the examination hall of the victim and passed threat to declare her fail in the examination if she tried to take action against him.

The applicant is holding a post of trust and thus acted in a most vicious manner by outraging the modesty of the minor girl student. Looking to the seriousness of the offence, I am not inclined to grant application. Hence, I make the following order.

Order

A] Criminal Application (BA) No.359 of 2015 is rejected.

B] The trial Judge to extend the protection to the witnesses during the trial.

JUDGE

Deshmukh