

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 18/2018

(ARUN BHAURAO GAWANDE **VERSUS** THE STATE OF MAHARASHTRA, THR. ITS SECRETARY,
HOME DEPARTMENT, MANTRALAYA, MUMBAI & OTHERS)

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

Court's or Judge's orders

Shri Y.B. Mandpe, counsel for the petitioner.
Shri K.L. Dharmadhikari, A.P.P. for the respondents.

CORAM : SMT. VASANTI A NAIK AND
A.D. UPADHYE, JJ.
DATE : FEBRUARY 12, 2018.

By this writ petition, the petitioner seeks a direction against the respondent-Authorities to appoint an agency for investigation in the matter of suicide by Arpit, the son of the petitioner.

Arpit, the son of the petitioner, was taking education in Standard-X in Bhalerao Public School at Ballarpur during the academic sessions 2017-18. Arpit committed suicide on 26.08.2017. On 27.08.2017, a complaint was lodged by the petitioner in the concerned police station at Ballarpur that his son had committed suicide on 26.08.2017 as he was harassed by the Principal of the school. A second complaint was lodged by the petitioner on 01.09.2017. In the said complaint, it was mentioned that while his son was taking education, Principal Shri Quazi, Shahista Madam, Trupti Madam, Seema Madam and Ahmad Sir were harassing Arpit and they had not informed the petitioner about the behaviour of Arpit. It is stated in the report that the aforesaid persons had forcibly asked Arpit to give in writing that he had attended the school in an intoxicated state. A third complaint

was lodged by the petitioner on 21.09.2017 stating therein that his complaints should be investigated as his son Arpit was subjected to torture by the school authorities. A fourth complaint was made by the petitioner on 29.08.2017 stating therein that his son Arpit was not permitted to sit in the school and sometimes he was assaulted with sticks. It is stated that Arpit was forcibly asked to make some statements in writing as a result of which he had committed suicide on 26.08.2017. According to the petitioner, since the respondents have not investigated the matter thoroughly and properly after the complaints were made, the petitioner has filed the instant writ petition for a direction against the respondent-Authorities to appoint an agency or any other person for investigating into the matter in respect of the commission of suicide by his son due to the harassment by the school staff.

Shri Dharmadhikari, the learned Additional Public Prosecutor appearing for the respondents, has referred to the affidavit-in-reply filed on behalf of the respondent nos.1 to 3 to submit that a fair enquiry was conducted in the matter of suicide of Arpit and it was found that the Principal and other teachers in the school were not responsible for the commission of the same. It is stated that after the complaint was received from the petitioner, the Investigating Officer recorded the statements of several witnesses including the classmates of Arpit before finding that the parents of Arpit were asked to attend the school on a number of occasions after it was found that Arpit had attended the school under the influence of liquor on 14.08.2017 but they did not attend the school. It is submitted that it is apparent from the statements that even the cousin brother of Arpit was asked to inform the parents of Arpit to remain present in the school but the parents of Arpit failed to remain present. It is stated that a teacher in the school

specifically asked the mother of Arpit telephonically to attend the school immediately but the mother of Arpit informed the teacher that there were guests in the house and that she could not attend the school. It is stated that the parents of Arpit had ignored the complaint of the staff. It is submitted that it is unfortunate that Arpit has committed suicide but from the enquiry made by the Investigating Officer, it is clear that the teachers and the headmaster were not responsible for the suicide by Arpit.

On hearing the learned counsel for the parties and on a perusal of the case papers, we find that the Investigating Officer has recorded several statements including the statements of more than half a dozen students studying with Arpit. None of the students have stated that Arpit was beaten by the Principal or any other teacher. It is stated by the students in their statements that the Principal did not permit Arpit to attend the school unless his parents met the Principal. It appears from the statements of the students including the statement of Pintu Yadav, the head-boy in the class, that at 10.30 a.m. on 14.08.2017 Arpit had attended the school under the influence of liquor and after noticing the said fact he was asked to leave the class and not to attend the school till his parents met the Principal. We find that the Investigating Officer has recorded the statements of several students including Ku.Sakshi, Abhijeet Sao, Anurag Bogekar, Kundan Moon, Pintu Yadav and some others and have also recorded the statements of the Principal, Seema Madam, Trupti Madam and some others before coming to a conclusion that the school authorities were not responsible for the suicide by Arpit. We have perused the case papers and have also perused the affidavit-in-reply filed on behalf of the respondent nos.1 to 3. It appears from the four complaints lodged by the petitioner that the petitioner has taken different

stands in each of the complaints. In the first complaint, according to the petitioner, the Principal was responsible as he was harassing Arpit. In the second complaint, the petitioner has blamed not only the Principal but also Shahista Madam, Trupti Madam, Seema Madam and Ahmad Sir. In the third complaint, the petitioner has said nothing against any teacher. In the fourth complaint, the petitioner has stated that Arpit was not permitted to sit in the school and he was beaten by the school authorities as a result of which, he committed suicide. There is no reference to such statements in the earlier complaints lodged by the petitioner. It is rightly submitted on behalf of the respondents that it is unfortunate that the son of the petitioner had committed suicide but in the circumstances of the case, the school authorities cannot be held responsible for the suicide by Arpit. In the circumstances of the case, the relief sought by the petitioner cannot be granted.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE

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