

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

16 CRIMINAL REVISION APPLICATION NO.19 OF 2021
WITH
APPLN/309/2021 IN REVN/19/2021

WITH

CRIMINAL APPLICATION NO. 422 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 19 OF 2021

WITH

CRIMINAL APPLICATION NO. 423 OF 2021
IN
CRIMINAL APPLICATION NO. 309 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 19 OF 2021

NEERAJ ANNASAHEB SALUNKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Shri Bhosle Abhaysinh K.
APP for Respondent -State : Shri A.A. Jagatkar
...

CORAM : M. G. SEWLIKAR, J.

DATE : 15th FEBRUARY, 2021.

PER COURT :

1. Heard Shri Bhosle, learned counsel for the applicant and Shri Jagatkar, learned AGP for the respondent-State.
2. Applications to assist to learned AGP by Shri Dhorde, are allowed.

3. The allegations against the applicant are that he had held hand of the victim with an intention to outrage her modesty.

4. Shri Bhosle, learned counsel for the applicant submitted that the applicant and the victim were in love with each other. He further submitted that even if prosecution case is admitted that he had held her hand, it goes to show that it was in a friendly manner and not with an intention to outrage her modesty. He further submitted that the witnesses are on cross terms with the applicant. These three witnesses, who are also the professors in the same college, had deposed against the applicant in a departmental inquiry initiated against the applicant. He submitted that there is delay of 24 hours in lodging the FIR. He further submitted that the evidence on record clearly indicates that the informant had consulted these three professors and thereafter she lodged the report in the Police Station. He further submitted that these three professors had accompanied her to the Police Station. He argued that all these circumstances clearly indicate that the applicant has been falsely implicated in this offence. The applicant and the victim had made departmental complaints against each other and the management had reprimanded both. He argued that this clearly shows that the relations between the applicant and the victim were strained. In order to wreak vengeance this false

complaint has been filed against the applicant.

5. On perusal of the judgment of First Appellate Court and the trial Court, it is evident that both the Courts have held that the applicant had held the hand of the informant.

6. From the submission of the learned counsel for the applicant, it is clear that their relations were strained. Having considered the entire evidence on record it is evident that the applicant had held the hand of the informant with an intention to outrage her modesty.

7. Learned counsel Shri Bhosle, for the applicant submitted that this act of the applicant does not fall within the scope of Section 351 (assault) of the IPC and under Section 350 (force) of the IPC. This submission cannot be accepted because the definition of assault shows that 'any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that person making gesture or preparation is about to use criminal force to that person'.

8. In the instant case, the applicant had first wrongfully restrained her and then he held her hand. This clearly shows that he

had assaulted the applicant and had used criminal force on her.

9. In this view of the matter there is no substance in the revision.

10. Shri Bhosle, learned counsel for the applicant submitted that sentence which the applicant has undergone is sufficient punishment.

11. He further submitted that having regard to the nature of the act, the sentence of 15 days which the applicant had undergone is sufficient in the facts and circumstances of the case. This submission cannot be accepted because the applicant is a Professor. The victim is also a Professor. It is not expected of him to behave with his colleague in such a manner. Moreover, learned trial Court has already taken lenient view by sentencing the applicant for two months simple imprisonment.

12. In this view of the matter, nothing has been brought on record to show that both the Courts have committed any grave error in recording the conviction of the applicant. I am, therefore, not inclined to entertain the revision. Hence the following order is passed :

ORDER

1. Revision is dismissed.
2. All the pending criminal applications are disposed of.

(M. G. SEWLIKAR)
JUDGE

mahajansb/