

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

REVISION APPLICATION NO.601 OF 2018

Vibha Kanchanlal Shah .. Applicant
v/s.
State of Maharashtra & Anr. .. Respondents
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Mr. V.C. Gupte, i/b. Mr. Chetan Akerkar, for the Applicant.

Mr. Arfan Sait, APP, for State.

Ms. Amita Kuttikrishnan, Appointed Advocate for Respondent No.2.
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CORAM: R.G. AVACHAT, J.

DATE : 2 JANUARY 2023.

P.C:-

The challenge herein is to the order dated 1st August 2018 passed by the Special Judge, Dindoshi, Mumbai rejecting the application of the Applicant (original accused no.2) for discharge. The learned Advocate for the Applicant would submit that the statements of the victims do not indicate accused no.1 to have had any sexual intent. He would further submit that the Applicant herein had given accused no.1 a memo and asked for his explanation as regards the complaints made by the victim students. He would further submit that

Applicant No.1 was at the fag end of her service. Within a couple of months, she retired on superannuation. Meanwhile, her mother passed away. She did everything that was possible on her part.

2. The learned APP and the learned Advocate appointed to represent the victims took this Court through the statements of the victim girls, who were in the age group of 15-16 years. The Court do not propose to reproduce the material part of their statements. Suffice it to state that those statements indicate accused no.1 to have prima facie been involved in commission of offence of sexual harassment of the victim students, of whom he was a teacher.

3. The Applicant herein was a principal-cum-head mistress of the school at the relevant time. She does not dispute to have received the complaints from the girl students regarding behaviour of accused no.1. It is true that she was at the fag end of her service. There may be circumstances indicating her to have reason not to report the matter to the police. The fact, however, remains that she omitted to report the matter to the police, which is an offence punishable under Section 19 read with Section 21 of POCSO Act. For framing of charge, this much material is sufficient.

4. The application, therefore, stands dismissed.

5. On the request of the learned Advocate for the Applicant, the trial court is requested to not frame the charge for next four weeks.

(R.G. AVACHAT, J.)