



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

CRIMINAL WRIT PETITION NO. 785 OF 2024

PRITI MAHADEV VITE

VERSUS

THE STATE OF MAHARASHTRA THR. DEPT OF HOME SECRETARY MANTRALAYA, MUMBAI

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

Court's or Judge's orders

Mr. Bhushan Dafle, Advocate for the applicant/s
Mr. S.S. Doifode, APP for the respondent Nos.1 to 3/State

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 03/10/2024.

1. Heard.

2. The petitioner lady was serving as 'Bus Conductor' with the Maharashtra State Road Transport Corporation (MSRTC), attached to Shegaon Bus Depot. It is petitioner's case that on 21.08.2024, three persons namely Yogesh Wande, Pradeep Jumle and Santosh Diwnale said that she should comply the demand of the Depot Manager. Later when she went to meet the Depot Manager in his cabin, the latter caught hold her hand and thereby, outraged her modesty. On the basis of the said occurrence, she has lodged the report with Police Station, Shegaon, bearing Crime No.480 of 2024 for the offence punishable under Section 74 of the Bhartiya Nyay Sanhita, 2023.

3. The learned counsel for the petitioner would submit that despite indulgence by three persons, the police did not made them as accused. It is further argued that departmental action ought to have taken against the accused persons, in view of the decision of the Hon'ble Supreme Court in the case of *Vishaka and others Vs. State of Rajasthan and others* reported in AIR 1997 SC

3011. The petitioner prayed that the departmental action be initiated against the respondent No.3-Police Station Officer, as the police have not followed the directions of the Hon'ble Supreme Court in the case of *Vishakha and others* (supra) and sought directions against the respondent No.5-Additional Controller, to initiate departmental proceedings against the accused.

4. The first grievance is about non-inclusion of some of the alleged participants in the crime. The investigation is yet in progress. The police shall act in accordance with law, by taking into consideration all the allegations. As regards initiation of department action against the respondent No.3 is concerned, it is domain of the employer.

5. So far as the aspect of departmental action against the respondent No.4 is concerned, the employer i.e. respondent No.5 may take appropriate steps, as permissible under the law.

6. The petition is **disposed of** in the above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)