



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

WRIT PETITION NO. 651 OF 2025

**Rashtrapal Chirkutrao Gaurkhede Vs. Principal District & Sessions Judge-
cum-Appropriate Authority and others**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.A. Dhawas, Advocate for Petitioner

Mr. Abhay R. Sambre, Advocate for Respondent Nos.1 to 3 (Appointed)

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 24th MARCH, 2025

1. Civil Application (CAW) No. 410/2025 seeks amendment by way of addition of para 9-A and prayer clause 3-A. Application is allowed. Amendment be carried out forthwith. Mr. Sambre, learned counsel for the respondents does not wish to file any response. The matter to proceed.

2. Today, Mr. Dhawas, learned counsel for the petitioner seeks leniency insofar as punishment is imposed upon the petitioner by order 19.12.2024 (page 106). The impugned order while accepting the recommendations by the District Gender Sensitization and Sexual Harassment of Women at the District Courts at Maharashtra and Goa (Prevention, Prohibition and Redressal), Regulation, 2014, has debarred the entry of the

petitioner into the District Courts / Subordinate thereto for a period of one year from the date of the order. He submits that the petitioner is remorseful and repentant and, therefore, leniency should be shown.

2. The nature of the incidences, are quoted in paragraph No. 4 of the impugned decision, which are as under :

“(i) On 22/12/2023 she along with other two female colleagues was going towards the Extra Joint Special Court under POSCO Act (O.P. Jaiswal Sir’s Court). Near the Court hall, respondent made unwelcome sexual advances towards her and her colleague Advocate-X, including inappropriate push over the shoulder of her colleague Advocate-Y. He also touched her thighs with his fingers. Due to such harassment they felt embarrassed, terrified and humiliated and when she shouted at him regarding this unwelcoming conduct then instead of being apologetic he gave a mischievous smile and left the spot.

(ii) Earlier also in the Court hall of District & Additional Sessions Judge (Shende Madam’s Court) the respondent has obnoxiously touched her thigh. He had done this inappropriate conduct of touching and pushing not only to her but also to her colleague namely Advocate-X and Advocate-Y, several times and they had reported this to their senior namely Advocate-Y, but on his advice they decided to ignore by giving

benefit of doubt to respondent.

(iii) One day again in front of the Court hall of (Shrikhande Sir) while she and her senior were passing through the passage from old building towards new building, Respondent creating an opportunity touched her thigh, due to which she felt scared and uncomfortable and she reported the same to her senior and in turn he warned respondent not to repeat such conduct.”

3. The decision further records, that after recording evidence of the victim as well as five more persons, the Sub-Committee had arrived a finding that the charges of sexual harassment have been proved against the petitioner, which was accepted by the District Court Gender Sensitization and Internal Complaints Committee (In short, DGSICC) who in terms of Regulation 11(2) of the Regulation, 2014 made a recommendation to the learned Principal District Judge, which was as under :

“i) To pass an order including but not limited to debarment of entry of the respondent into the district court and the court subordinate thereto for one year and

ii) To recommend filing a criminal/disciplinary complaint before the Bar Council of Maharashtra for taking appropriate action in this matter in view of Rule 11(2)(a)(b).”

4. The impugned decision further indicates that the entire material in that regard including the evidence led before the Committee has been considered and the finding arrived by the Sub-Committee and accepted by the DGSICC, has been accepted. It also records that it is not a case of solitary incident, but number of incidences in which the petitioner, is involved. That being the position, we are not inclined, to show any leniency to the petitioner, vis-a-vis, the punishment imposed upon him. We, therefore, do not see any reason to interfere in the impugned decision dated 19.12.2024. The petition is dismissed. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

MP Deshpande