

MHCC020159832021



Received on : 22.12.2021
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Decided on : 01.07.2026
Duration : Ys. Ms. Ds.
04 06 10
EXHIBIT NO-7

IN THE COURT OF SESSIONS JUDGE AT GREATER MUMBAI.
(Presided over by : S.S.Adkar, Sessions Judge, Mumbai)

CRIMINAL APPEAL NO.479 OF 2021

Aniket Vijay Patil,
R/at : 3001, Shubhada Tower,
Pochkanwala Road, Mumbai. **.... APPELLANT**

Versus

The State of Maharashtra,
through Gaondevi Police Station. **.... RESPONDENT**

CORAM : HIS HONOUR THE SESSIONS JUDGE,
SHRI SAMEER S. ADKAR

COURT ROOM NO.19

DATE : 01st DAY OF JULY, 2026

APPEARANCE :

Mr. Veerdhawal Deshmukh, learned Advocate for the appellant.
Mr. S. E. Soshte, learned APP for the respondent/State.

JUDGMENT
(Delivered on 01.07.2026)

1. Being aggrieved by the judgment and order passed by the learned Metropolitan Magistrate 40th Court, Girgaon, Mumbai in

CC.NO.438/PW/2018 on 03.12.2021 convicting and sentencing the appellant for the offences punishable u/ss.354-A, 509 of the IPC, the present appeal is filed. For the offence punishable u/s.354-A of the IPC, the appellant was sentenced to suffer simple imprisonment for six months and to pay fine of Rs.500/-, in default, to suffer simple imprisonment for fifteen days. For the offence punishable u/s.509 of the IPC, the appellant was sentenced to suffer simple imprisonment for three months and to pay fine of Rs.500/- in default, to suffer simple imprisonment for fifteen days.

2. The appellant is the original accused. The respondent is the State of Maharashtra. For the sake of brevity, the parties in the present appeal are referred to by their nomenclature before the learned Trial Court.

3. In brief, it is the case of the prosecution that PW.1-Victim is the mother of PW.2-Sameer. In the year 2018, they were residing at Bandra. On 17.09.2018, both of them were going in their car to the office of PW.2-Sameer at Fort. PW.2-Sameer was driving the car. PW.1-Victim was sitting next to him. When their car was at the Cadbury Junction, one red colour car bearing registration No.MH-02-AY-1304 driven by the accused came from the left side and dragged them towards the divider at a distance of about 100 meters. When the car of PW.1-Victim was on the Hughes Road, PW.2-Sameer noticed that the said red colour car was trying to overtake them. When they reached the Cyceil junction, the said red colour car stopped on the left side of the car of PW.2-Sameer. The accused rolled down the window of his car and showed his middle finger to PW.1-Victim and PW.2-Sameer. When PW.1-Victim tried to pacify the accused, he uttered the words “fuck yourself bloody bitch”. Thereafter, the accused jumped the signal and tried to run away. But

PW.2-Sameer blocked him. PW.4-Constable Shekhar who was on duty at that place intervened in the matter and took all of them to the Gaondevi Police Station where PW.1-Victim lodged the report on the basis of which the FIR (Exh.19) bearing Crime No.185/2018 was registered against the accused for the offences punishable u/s.509, 354(A) (4) of the IPC and the investigation in the matter was started. After the investigation was completed, the charge-sheet was filed.

4. The learned Trial Court framed the charge (Exh.16) against the accused for the offences punishable u/s.354-A, 354-D and 509 of the IPC. The prosecution examined four witnesses before the learned Trial Court.

5. After considering the evidence on the record and after hearing both the sides, the learned Trial Court convicted and sentenced the accused for the offences punishable u/ss.354-A and 509 of the IPC. The accused was acquitted of the offence punishable u/s.354-D of the IPC. Hence, this appeal against conviction.

6. Heard learned Advocate Mr. Veerdhawal Deshmukh for the appellant and learned APP Mr. S. E. Soshte for the respondent.

7. In the light of the facts of the case and on the basis of the submissions made on behalf of the parties, the following points arise for consideration and the findings thereon are recorded as under, for the reasons to follow:

SR.NO.	POINTS	FINDINGS
1.	Whether it is proved that on 17.09.2018 at about	Yes.

	11.45 am in front of the Cadbury junction, South Pedder Road, Mumbai, the accused committed sexual harassment of PW.1-Victim by showing his middle finger and thereby committed the offence punishable u/s.354(A) of the IPC ?	
2.	Whether it is proved that on the same date, time and place, the accused uttered filthy words “fuck yourself bloody bitch” intending to insult the modesty of PW.1-Victim and thereby committed the offence punishable u/s.509 of the IPC ?	Yes.
3.	Whether the judgment and order passed by the learned Trial Court calls for any interference?	No.
4.	What order?	As per final order.

REASONS

AS TO POINT NOS.1 TO 4:-

8. As the evidence and the arguments on all these points are interlinked, they are being considered together.

9. PW.1-Victim deposed that on 17.09.2018, she was going to the office of PW.2-Sameer. She deposed that PW.2-Sameer was driving the car. She deposed that they were going from Bandra to Feroz Shah Mehta road. She deposed that at around 11.40 am, when they were at the Cadbury junction, one red colour car bearing registration No. MH-45-N-4459 came from the left side and pushed them against the road divider for about 100 meters. She deposed that when they were on the Hughes road, the said red colour car tried to overtake them. She deposed that when they were at the Cyceil junction signal the said red

colour car came from left side. She deposed that the accused who was driving the said car rolled down the glass of the window and showed his middle finger to her and PW.2-Sameer. She deposed that when she rolled down the glass of the window of her car and tried to pacify the accused, he uttered the words “fuck yourself bloody bitch” to her. She deposed that when the accused tried to run away, PW.2-Sameer blocked him from the front side and called the traffic Constable. She deposed that the traffic Constable took all of them to the Gaondevi Police Station where she registered the FIR (Exh.19). She deposed that her statement (Exh.20) u/s.164 of the Cr.PC, 1973 was also recorded by the learned Magistrate, Esplanade Court.

10. In cross-examination, she admitted that PW.2-Sameer was a practicing lawyer at Mumbai. She admitted that there used to be running traffic between 09.00am to 11.00am on the Pedder road and the adjacent areas. She denied that sometimes there used to be traffic jam on the said road. She denied that there were dark glasses on their car and the car of the accused because of which they could not see each other from inside the car. She stated that the incident was seen by other people from their running cars. She admitted that she had narrated entire incident to the traffic Constable. She stated that she did not know whether there were CCTV cameras near the Cyceil junction. She admitted that the CCTV footage which was shown to them in the Police Station showed PW.2-Sameer abusing the accused. She admitted that the Police registered Crime No.612/2018 (NC) against PW.2-Sameer. She denied that she lodged the FIR as a counterblast to the same. She denied that no incident had occurred. She admitted that she had lodged the FIR bearing Crime No.256/2017 with the Worli Police Station against one Jigar Desai for the offences punishable u/s.504, 509 of the

IPC. She denied that they had asked for money from the accused.

11. PW.2-Sameer deposed that on 17.09.2018 at around 10.30am, they had left their house at Bandra and were proceeding towards his office at Fort in their car bearing registration No.MH-02-AY-1304. He deposed that he was driving the said car. He deposed that at about 11.30 am-11.40am when they were at the Cadbury junction, he heard continuous sound of honking of a vehicle. He deposed that the said vehicle which was being driven by the accused was trying to overtake their car from the left side. He deposed that as there was traffic on the road, there was no space for him to move his car. He deposed that thereafter, the vehicle of the accused pushed his car towards the divider for about 100 meters. He deposed that as he was afraid, he pressed the horn of his car. He deposed that when his car was on the Hughes road, the vehicle of the accused suddenly came from behind. He deposed that when they were at the Cyceil junction at about 11.45 am-11.50am, the vehicle of the accused again came on the left side of his car. He deposed that the accused rolled down the glass of the window of his car and showed middle finger to him and PW.1-Victim. He deposed that when PW.1-Victim tried to pacify the accused, he got enraged and abused PW.1-Victim by uttering the words "fuck yourself bloody bitch". He deposed that as the signal was red, he rolled down the window of his car and called a traffic constable who was there. He deposed that the accused jumped the signal and tried to run away. He deposed that the traffic constable came to his assistance. He deposed that thereafter, all of them went to the Gaondevi Police Station. He deposed that thereafter, in September-October 2020, he received several phone calls from two persons by name Yogesh and Prashant/Prasad who tried to influence him by offering Rs.25,000/- to Rs.50,000/- to him. He

deposed that he was in possession of the call recordings and he could produce the same in the Court.

12. In cross-examination, he admitted that there used to be traffic on the Pedder road and near it between 09.00am to 12.00pm and that sometimes, there used to be traffic jam. He denied that there were dark glasses on his car. He admitted that there were dark glasses on the vehicle of the accused. He stated that he blocked the accused at the distance of 20-25 feet from the signal. He admitted that he had narrated the incident to the traffic constable. He admitted that the CCTV cameras covered the area of the traffic signal. He denied that the Police had registered NC bearing No.612/2018 against him as in the CCTV footage he was seen abusing the accused. He denied that the FIR in this case was lodged as a counterblast. He denied that no incident had occurred. He denied that between the years 2016-2019, they had lodged 4-5 similar types of FIRs against different persons. He admitted that in the year 2018, he had lodged FIR against one Yashwant Ashok Surange with the Sahar Police Station for the offences punishable u/ss.504 and 506 of the IPC. He denied that the FIR in the present case was lodged as the accused did not give money to them.

13. PW.4-Constable Shekhar deposed that on 17.09.2018, he was on traffic duty at the Cyceil junction which was within the Tardeo Traffic Division. He deposed that after the signal opened, he saw 2 four wheeler vehicles standing on the side of the road. He deposed that a quarrel was going on between the drivers and the passengers of those 2 vehicles. He deposed that one person told him that the driver of the other vehicle was abusing his mother. He deposed that he brought all of them to the Gaondevi Police Station. He deposed that PW.1-Victim and

PW.2-Sameer did not tell him the specific words which were used for abusing PW.1-Victim.

14. In cross-examination, he denied that PW.2-Sameer had blocked the vehicle of the accused and that he was abusing the accused. He admitted that he was not an eye-witness to the incident.

15. The analysis of the evidence of PW.1-Victim shows that on 17.09.2018, she and PW.2-Sameer were going in their car to the office of PW.2-Sameer at Fort, Mumbai. It has come in her evidence that at around 11.40 am when they were at the Cadbury junction, one red colour car bearing registration No. MH-45-N-4459 driven by the accused came from the left side because of which their car was pushed against the road divider. She has further deposed that when their car was on the Hughes Road, the car of the accused tried to overtake them. It has also come in her evidence that when their car stopped at the Cyceil Junction signal, the accused came in his car from the left side, rolled down the glass of the window of his car and showed his middle finger to her and PW.2-Sameer. She has also stated that when she tried to pacify the accused, he insulted her by saying “fuck yourself bloody bitch”. The above statements made by PW.1-Victim were not shattered during her lengthy cross-examination. She remained firm on material points. Her oral evidence is corroborated on material points by the contents of the FIR (Exh.19) and her statement (Exh.20) which was recorded u/s.164 of the Cr.PC, 1973. Admittedly, she was not knowing the accused prior to the incident. Therefore, she had no reason to falsely depose against the accused.

16. The oral evidence of PW.1-Victim is further corroborated by the

evidence of PW.2-Sameer. He has categorically stated that when his car was at the signal of Cyceil junction the accused came in his car from the left side, rolled down the glass of the window and showed his middle finger to him and PW.1-Victim. He has also stated that when PW.1-Victim requested the accused not to get into a fight and maintain peace, the accused abused her by saying “fuck yourself bloody bitch”. He was also cross-examined at length but he remained firm on material points. He too was not knowing the accused prior to the incident. Therefore, he had no reason to depose falsely against the accused.

17. The learned Advocate for the accused submitted that the failure of the prosecution to examine independent witnesses was fatal to its case. In this regard, it is necessary to state that at the time of the incident, the accused was sitting inside his car. Therefore, the possibility of any other person witnessing the incident was remote. Hence, the submission as made has no merit.

18. The learned Advocate for the accused next submitted that PW.1-Victim had lodged a false FIR against the accused as she feared that the accused would lodge an FIR against her and PW.2-Sameer as the CCTV footage showed PW.2-Sameer abusing the accused. The cross-examination of PW.2-Sameer shows that the NC No.612/2018 was already registered against him for abusing the accused during the incident. Therefore, the contention that the FIR was registered by PW.1-Victim out of fear that the accused would register FIR against them has no merit. At the cost of repetition, it may again be stated that there is nothing in the evidence of PW.1-Victim and PW.2-Sameer to suggest that they were deposing falsely against the accused.

19. The learned Advocate for the accused next submitted that the admission given by PW.2-Sameer that the window glasses of the car of the accused were dark and that nothing could be seen from outside created a doubt about the case of the prosecution. The submission as made has no merit. From the evidence of PW.1-Victim and PW.2-Sameer it is clear that the accused committed the acts after rolling down the glass of the window of his car. Therefore, PW.1-Victim and PW.2-Sameer were in a position to see and hear everything clearly.

20. The learned Advocate for the accused next submitted that the failure of the prosecution to produce CCTV footage of the incident was fatal to its case. The perusal of the evidence of PW.3-IO shows that during cross-examination, it was brought on the record that she had seen the CCTV footage of the spot of the incident but nothing was found relating to the crime. There is no reason to disbelieve the statement made by PW.3-IO. If the defence had any doubt about the same, then nothing prevented the defence from calling upon the prosecution to produce the relevant CCTV footage. But that was not done. Therefore, the submission as made has no merit.

21. The learned Advocate for the accused next submitted that PW.1-Victim was in habit of lodging such type of FIRs against individuals for extracting money. It was contended that PW.1-Victim had lodged FIR bearing No.256/2017 against one Jigar Desai with the Worli Police Station for the offences u/s.504 and 509 of the IPC and that PW.2-Sameer had lodged an FIR against one Yashwant Ashok Surange with the Sahar Police Station for the offences punishable u/s.504 and 506 of the IPC. It may be stated that the defence failed to bring on the record the details such as the nature of those cases, etc., before the learned

Trial Court. Simply because PW.1-Victim and PW.2-Sameer had lodged FIRs against some persons does not mean that they are habitual complainants. It may be added here that PW.2-Sameer has categorically stated that after the registration of the FIR (Exh.19), he received several phone calls from two persons by name Yogesh and Prashant/Prasad who tried to influence him by offering Rs.25,000/- to Rs.50,000/-. Surprisingly, PW.2-Sameer was not cross-examined on this aspect. Therefore, his allegation remained unchallenged. Had this been a case of registration of a false FIR then there was no need for anybody to try to influence PW.2-Sameer.

22. The learned Advocate for the accused relying upon the judgments in the case of **Varun Bhatia Vs. State and Anr (Crl. Rev. P No.1032/2018 & Crl. MA. No.48099/2018 decided by the Hon'ble High Court of Delhi on 28.08.2023 and Madhushree Datta Vs. The State of Karnataka and Anr reported in (2025) 2 S.C.R 187** submitted that the prosecution had failed to prove that there was intention on the part of the accused to cause sexual harassment or to insult to the modesty of PW.1-Victim. This Court has gone through the above judgments. They are not applicable to the facts of the present case. In the case of **Varun Bhatia (supra)** the allegation against the accused therein was that he had called the victim therein as "gandi aurat". The Hon'ble High Court observed that the word "gandi aurat" read in isolation without context without any preceding or succeeding words indicating intent to outrage modesty of a woman will not bring these words within the ambit of Section 509 of the IPC. In the case of **Madhushree Datta (supra)**, the allegation against the accused therein was that he had abused the victim therein in "filthy language". The Hon'ble Supreme Court observed that the term "filthy language" if examined in isolation and without any contentual

framework or accompanying words indicating an intent to insult the victim's modesty did not fall within the purview of Section 509 of the IPC. Such is not the case here. In the present case, from the acts of the accused, it is clear that he not only committed sexual harassment but also insulted the modesty of PW.1-Victim.

23. The learned Advocate for the accused relying upon the judgment in the case of **Abhishek Shah Vs. State of Haryana and Anr (CRM. M. No.36953/2019 decided by the Hon'ble High Court of Punjab and Haryana on 18.04.2026** submitted that mere usage of the words such as "fuck off" will not attract the ingredients of section 354-A of the IPC. This Court has gone through the above judgment. In that case, the victim therein was an employee of the accused therein. There were some disputes between them. During exchange of correspondence through e-mail between both of them a mild verbal spat had occurred during which the victim threatened to resign from her assignment and at one point of time the accused therein used the words "fuck off". The Hon'ble High Court quashed the FIR observing that there was delay in lodging of the same and that the context of the communication prima-facie arose out of a work related interaction. Such is not the case here. Therefore, the above judgment will not help the accused in any manner.

24. In view of the above, it is clear that the learned Trial Court has rightly appreciated the facts of the case and the evidence on the record. No interference is called for in the judgment and order passed by the learned Trial Court. Hence, point Nos.1 and 2 are answered in the affirmative, point No.3 is answered in the negative and the following order is passed:

ORDER

- (i) Criminal Appeal No.479/2021 is dismissed.
- (ii) The judgment and order passed by the learned Metropolitan Magistrate 40th Court, Girgaon, Mumbai in C.C.No.438/PW/2018 on 03.12.2021 convicting and sentencing the appellant-Aniket Vijay Patil for the offences punishable u/s.354-A and 509 of the IPC is confirmed.
- (iii) The appellant-Aniket Vijay Patil is on bail. He be taken into Custody.
- (iv) Record and proceedings of this case be returned to the learned Trial Court.
- (v) Copy of this judgment be given to the appellant-Aniket Vijay Patil free of cost.

MUMBAI
DATE : 01.07.2026

(S.S. ADKAR)
SESSION JUDGE,
MUMBAI.

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER"	
UPLOAD DATE AND TIME	NAME OF STENOGRAPHER
Date : 01.07.2026 at 05.55pm	Mr. Mohit M. Patange Stenographer (Grade-I)

Name of the Judge (with Court no.)	:	SHRI S.S. ADKAR C.R.NO.19.
Date of pronouncement of judgment/order	:	01.07.2026
Judgment/order signed by the P.O. on	:	01.07.2026
Judgment/order uploaded on	:	01.07.2026