



## **Equality, Justice and Harmony**

We fight for Equality among gender, Justice to all and Family Harmony

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# **PRESS RELEASE**

## **IN SUPPORT OF THE JUDGMENT ISSUED BY HONORABLE JUDGE PUSHPA V. GANEDIWALA, J. OF HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH**

With reference to the judgment of Satish Bandu Ragde Vs. The State of Maharashtra, in CRIMINAL APPEAL NO. 161 OF 2020 by Hon'ble Judge PUSHPA V. GANEDIWALA, J. of HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH dated 19/January/2021 (Ref: <https://mynation.net/docs/161-2020/> )

We, the members of **MyNation Hope Foundation** with a presence over the internet and social sector all over India helping needy for free, over 19 years and having more than 10,000 Families registered with us would like to take this opportunity to bring out some major concerns and media trial and bashing against honorable judge on the judgment issued by her. We would like to draw the attention to below key points as arising out of the Judgment issued by Hon'ble HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH for POCSO Act as well as outraging modesty of a Women.

Recently, Judge Pushpa V. GANEDIWALA of the Bombay High Court Nagpur branch gave some verdict, which has created a furor on social media. These technically correct judgements have angered and alarmed the feminist lobby and women organizations. In retaliation, feminist lobby and women organizations have started spreading fake news and propaganda on social media by showing selected portions of the judgements. I am going to discuss here what is right in the decisions and why feminist lobby and women organizations are against it.

The first judgement came on 14-01-2021 in the case of Jageshwar Wasudeo Kawle Vs State of Maharashtra, in which the judge reversed a conviction order after noting that there was nothing supporting the prosecution's case for rape.

The second judgement came on 15-01-2021 in the case of Libnus Vs State of Maharashtra in which the judge said that the act of holding hands of a minor or the zip of the pants of the accused being open at the relevant time, does not amount to sexual assault as defined under Section 7 of the POCSO Act.

The third judgement came on 19-01-2021 in the case of Satish Ragde Vs State of Maharashtra in which the judge changed the Section in which a person was convicted (from Section 7 of POCSO Act to Section 354 of IPC). In this judgement, the judge said that that the act of pressing the breast of a child aged 12 years without removing her top will not fall within the definition of 'sexual assault' under Section 7 of POCSO. In this case, the accused was sentenced to 3 years of imprisonment under Section 7 of the POCSO Act and after which he challenged his conviction in the High

Court. In this judgment, the conviction of the accused was changed to one year under Section 354 of the IPC.

What these 2 sections says, Section 7 of the POCSO Act deals with sexual assault of a minor child and Section 354 of the IPC is about outraging the modesty of a woman.

The POCSO Act defines sexual assault as when someone *"with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault"*.

The Section 354 of The Indian Penal Code defines assault or criminal force to woman with intent to outrage her modesty: *"Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."*

Pressing the breast of a 12-year-old child without removing her top will not fall within the definition of 'sexual assault' under Section 7 the Protection of Children from Sexual Offences Act (POCSO). This shows how much these learned judges of SC also influenced by this trend.

There was Social media outrage along with misinformation by media supported by Women NGOs and ministries, without understanding what the judgement is or what Judge PUSHPA V. GANEDIWALA was trying to explain. However, it seems that influenced by the media trial, most of the uneducated, illiterate ministers, Women NGOs and

supporters of Legal terrorism blindly bash the judgement and the Judge on social media.

Head of NCW Rekha Sharma @sharmarekha on January 31st 2021 tweeted commenting *“Justice Pushpa Ganediwala need to read this and much more. Today I am reading another of her judgment where she says demanding money from wife is not harassment. Honorable Supreme Court must look into all her Judgements.”* without verifying the real meaning of the judgment

Even the Supreme Court on Wednesday stayed the controversial judgment of the Bombay High Court which had held that pressing the breast of a 12-year-old child without removing her top will not fall within the definition of ‘sexual assault’ under Section 7 the Protection of Children from Sexual Offences Act (POCSO). This shows how much these learned judges of SC are also influenced by this trend.

Bombay High Court has apparently acquitted the accused under Section 8 of POCSO (punishment for sexual assault) on the ground that the accused had no sexual intent to commit offence under POCSO because there was no skin-to-skin contact.

Brief of the case: an appeal against the judgment and order dated 05.02.2020 in Special Child Protection Case No. 28 of 2017 passed by the Extra Joint Additional Sessions Judge, Nagpur, by which the appellant is convicted for the offence punishable under Sections 354, 363 and 342 of the Indian Penal Code (hereinafter referred to as IPC) and Section 8 of the Protection of Children from Sexual Offences Act, 2012, (hereinafter referred to as POCSO Act), in Crime No. 405 of 2016 registered at Police Station Gittikhadan, Nagpur, District – Nagpur.



3. For the offence punishable under Section 8 of the POCSO Act read with Section 354 of the IPC, the appellant is sentenced to suffer R.I. for three years and pay a fine of Rs. 500/-, in default of fine to suffer R.I. for one month.

For the offence punishable under Section 363 of the IPC, the appellant is sentenced to suffer R.I. for two years and to pay fine of Rs. 500/-, in default of fine to suffer R.I. for one month. For the offence punishable under Section 342 of the IPC, the appellant is sentenced to suffer R.I. for six months and to pay fine of Rs. 500/-, in default of fine, to suffer R.I. for one month. All the substantive jail sentences were directed to run concurrently. The appellant is given set off for the period of sentence, he has already undergone.

Attorney General submitted that the order in question is unprecedented and is likely to set a dangerous precedent. We permit AG Venugopal to file a petition against the said order.

The stay was ordered by a Bench headed by Chief Justice of India, S A Bobde after Attorney General K Venugopal mentioned that matter submitting that "it is a very disturbing conclusion (by Bombay High Court)." so SC issued stay on the acquittal of the accused with respect to the offence under Section 8 of POCSO Act.

The Bombay High Court had opined that considering the stringent nature of punishment provided for the offence, stricter proof and serious allegations are required. It also observed that the punishment for an offence should be proportionate to the seriousness of the crime.

Most of the Media is under the influence of Feminists, who brand every man as potential rapists, even if no rape or sexual crime is committed. They blindly demand Death penalty, just because it is done by a man.

At the same time, a 53-year-old woman was booked for outraging the modesty of her neighbour. The victim alleged that her neighbour called her names, commented on her short hair and clothes and referred to her as a 'eunuch'. On basis of her statement on Saturday, the Goregaon Mumbai Maharashtra police booked the 53-year-old woman for insulting the modesty of a woman under Section 509 of the IPC (whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman). No one is aware of the law to be applied against each crime. It is now a good sign that the police is charging women too with women centric laws. So wise women will start speaking against this bias and law will change. Unless they feel the heat, they will not realise how the law is misused.

It looks like women appeasement has reached its peak, anyone can be arrested for minor altercation and charged under any women centric law. Instead of ten marks for answering 10 questions, it is answering one question out of ten and feminists demanding 10 marks without answering the remaining nine. They want the punishment to be full term, even if the crime is minor. It is time to redraft the law and make them gender equal.

If the issues are related to women and even if these are minor, courts take suo-moto and acting on their own. If these issues are faced by men then there is silence. If anyone

approaches the higher court for men issues, either they are threatened or the PILs are dismissed stating that it is a waste of judiciary time. However, if it is a case related to Women issues, they have plenty of time. This reflects that the people handling the judiciary are making a mockery of the Article 14 of constitution of India.

The Judgment by the Nagpur bench and later a stay by SC clearly indicates that the Supreme Court is acting under the pressure of women ministries or influenced by Feminists. But if a tainted judge is accused of similar sexual harassment, with political support the victim will be harassed or silenced with benefits. Later the judge is forced to support the vested interest of the Politicians and in return promoted to Rajya Sabha in due course. With stay Supreme Court proved again that they are acting for their Political masters, because in Maharashtra, state government is not of their masters. This the reality of Judiciary of India.

We the members of **MyNation Hope Foundation**, Thankfull to HONORABLE JUDGE PUSHPA V. GANEDIWALA, J. for such a wise and mature Judgement, hope in future also we will get such gender equal and wise Judgments and other judges learn from you.

Thanking you.

