

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

MUMBAI, MAHARASHTRA

Case No.: CR/2024/1234

Date of Hearing: 15th October 2024

Before: Hon'ble Judicial Magistrate First Class, Mumbai

CASE DETAILS

Complainant:

Ms. Priya Sharma

D/o Mr. Rajesh Sharma

Residing at: Flat No. 302, Sai Apartments, Andheri (West), Mumbai - 400053

Contact: +91-9876543210

Accused:

Mr. Vikram Malhotra

S/o Mr. Suresh Malhotra

Residing at: Bungalow No. 15, Green Valley Society, Goregaon (East), Mumbai - 400063

Contact: +91-9123456789

Offence Charged Under:

- Section 354A of the Indian Penal Code, 1860 (Sexual Harassment)
- Section 354D of the Indian Penal Code, 1860 (Stalking)
- Section 509 of the Indian Penal Code, 1860 (Word, gesture or act intended to insult the modesty of a woman)

PROCEEDINGS OF THE HEARING

PRESENT:

- For Complainant:** Advocate Ms. Anjali Desai
- For Accused:** Advocate Mr. Karan Mehta
- Public Prosecutor:** Mr. Rahul Patil

ORDER SHEET

Hon'ble Magistrate: This matter has been listed for recording of evidence and cross-examination of the complainant.

COMPLAINANT'S STATEMENT (Examination-in-Chief)

Magistrate: Ms. Priya Sharma, please state your name, age, occupation, and relationship with the accused for the record.

Complainant: Your Honor, my name is Priya Sharma, age 28 years, working as a Software Engineer at TechSolutions Pvt. Ltd., Mumbai. The accused, Mr. Vikram Malhotra, was my colleague in the same company from January 2023 to August 2024.

Advocate Ms. Desai: Your Honor, may I proceed with the examination?

Magistrate: Yes, proceed.

Advocate Ms. Desai: Ms. Sharma, please tell the Hon'ble Court about the incidents that led you to file this complaint.

Complainant: Your Honor, I joined TechSolutions in January 2023. The accused, Mr. Vikram Malhotra, was a Senior Manager in the same department. Initially, our interactions were purely professional. However, from March 2024 onwards, he began making unwanted advances toward me.

Advocate Ms. Desai: Can you describe the nature of these advances?

Complainant: Yes, Your Honor. He started sending me inappropriate messages on WhatsApp at odd hours, including late nights. These messages were of a personal and suggestive nature, which made me extremely uncomfortable. When I did not respond favorably, he began making comments about my appearance during office hours in front of other colleagues.

Advocate Ms. Desai: Did you take any action at that time?

Complainant: Yes, Your Honor. On 15th April 2024, I formally complained to the Internal Complaints Committee (ICC) of our company as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The company initiated an inquiry.

Advocate Ms. Desai: What happened after the complaint to ICC?

Complainant: Your Honor, instead of stopping, the harassment intensified. The accused started following me after office hours. On multiple occasions in May and June 2024, I noticed him waiting near the office parking lot and following my car. On 10th June 2024, he followed me to a shopping mall in Bandra and confronted me, asking why I filed the complaint and demanding that I withdraw it.

Advocate Ms. Desai: Were there any witnesses to these incidents?

Complainant: Yes, Your Honor. My friend Ms. Sneha Reddy was with me at the mall on 10th June 2024. She witnessed the entire confrontation. Additionally, several colleagues at the office have witnessed his inappropriate comments and behavior toward me.

Advocate Ms. Desai: Did you document these incidents?

Complainant: Yes, Your Honor. I have maintained screenshots of all WhatsApp messages sent by the accused. I have also submitted CCTV footage from the office premises showing him lingering near my workstation and the parking area. The mall security provided footage of the incident on 10th June 2024. All these have been submitted as evidence with my complaint.

Advocate Ms. Desai: What impact did these incidents have on you?

Complainant: Your Honor, I have been suffering from severe mental distress. I had to seek counseling and was prescribed medication for anxiety by Dr. Meera Joshi, a psychiatrist. I was afraid to go to the office and eventually had to resign from my job in August 2024 because the environment became intolerable. My career has been adversely affected.

Advocate Ms. Desai: Thank you, Ms. Sharma. Your Honor, I have no further questions at this stage.

CROSS-EXAMINATION BY DEFENSE COUNSEL

Magistrate: Mr. Karan Mehta, you may proceed with cross-examination.

Advocate Mr. Mehta: Thank you, Your Honor. Ms. Sharma, you stated that my client sent you WhatsApp messages. Is it not true that you were friends on social media and had exchanged messages in the past on friendly terms?

Complainant: Your Honor, initially we did exchange work-related messages. However, the nature of messages changed drastically in March 2024. They became personal and inappropriate, which I never encouraged.

Advocate Mr. Mehta: Ms. Sharma, can you produce evidence that you explicitly asked my client to stop messaging you?

Complainant: Yes, Your Honor. On 25th March 2024, I sent him a clear message asking him to maintain professional boundaries and stop sending personal messages. The screenshot is part of my evidence marked as Exhibit A-3.

Advocate Mr. Mehta: Ms. Sharma, regarding the incident at the mall, is it not possible that my client was coincidentally present there for his own shopping?

Complainant: Your Honor, it cannot be a coincidence. He directly approached me and specifically mentioned my ICC complaint. He demanded I withdraw it. My friend Ms. Sneha Reddy is a witness to this. Moreover, this was not an isolated incident. He had followed me on at least four other occasions documented through my diary entries and photographs.

Advocate Mr. Mehta: Your Honor, these are serious allegations. My client denies all charges and maintains that any interaction was purely professional and has been misinterpreted.

Complainant: Your Honor, the evidence speaks for itself. The messages, the CCTV footage, and witness statements clearly establish the pattern of harassment and stalking.

Advocate Mr. Mehta: Ms. Sharma, is it not true that there was a professional disagreement between you and my client regarding a project, and this complaint is filed out of vengeance?

Complainant: Your Honor, that is absolutely false. There was no such disagreement. The accused is trying to deflect from his wrongful actions. I have consistently maintained my position, and the ICC inquiry also found merit in my complaint before I filed this criminal case.

Advocate Mr. Mehta: Your Honor, I have no further questions at this stage, but we reserve the right to recall the witness if necessary.

Magistrate: Noted.

PUBLIC PROSECUTOR'S SUBMISSIONS

Mr. Rahul Patil: Your Honor, the prosecution has presented substantial evidence including electronic evidence in the form of WhatsApp messages, CCTV footage from multiple locations, witness statements, and medical records establishing the mental trauma

suffered by the complainant. The pattern of behavior clearly establishes offences under Sections 354A, 354D, and 509 of the IPC.

We pray that the Hon'ble Court may frame charges against the accused and proceed with the trial. We also request that witness Ms. Sneha Reddy be summoned for the next hearing to corroborate the complainant's testimony.

DEFENSE COUNSEL'S SUBMISSIONS

Advocate Mr. Mehta: Your Honor, my client vehemently denies all allegations. The messages exchanged were part of normal workplace communication. The complainant has misconstrued innocent gestures as harassment. The presence at the mall was purely coincidental. We submit that this is a case of misunderstanding blown out of proportion.

We request the Hon'ble Court to examine the evidence critically and grant bail to my client if custody is sought. We also pray for an opportunity to present our witnesses who will testify to my client's good character and professional conduct.

COURT'S OBSERVATIONS AND ORDERS

Magistrate: Having heard both parties and examined the evidence presented so far, this Court makes the following observations:

- Prima Facie Case:** Based on the documents, electronic evidence, and testimony of the complainant, there appears to be sufficient prima facie material to proceed with the case. The allegations are serious and merit detailed investigation.
- Evidence:** The complainant has produced substantial evidence including WhatsApp message screenshots (Exhibit A), CCTV footage (Exhibit B), medical records from Dr. Meera Joshi (Exhibit C), and the ICC inquiry report (Exhibit D). These shall be scrutinized during trial.
- Witness Examination:** The Court directs that witness Ms. Sneha Reddy be summoned for examination in the next hearing scheduled for 5th November 2024.
- Bail Application:** As the offences under Sections 354A and 354D are cognizable but bailable, and considering the accused has cooperated with the investigation, bail is granted to the accused on furnishing a personal bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one surety of the like amount, subject to the following conditions:

- The accused shall not make any attempt to contact or intimidate the complainant or any witnesses
- The accused shall appear before this Court on all subsequent hearing dates
- The accused shall not leave the jurisdiction of Mumbai without prior permission of this Court
- The accused shall surrender his passport to the Court

5. **Next Hearing:** This matter is adjourned to 5th November 2024 for examination of witness Ms. Sneha Reddy and further proceedings.

Let a copy of this order be furnished to both parties.

Dictated and pronounced in open Court.

Date: 15th October 2024

Judicial Magistrate First Class
Mumbai, Maharashtra

CASE STATUS: PENDING TRIAL

Next Hearing Date: 5th November 2024

Purpose: Examination of witness Ms. Sneha Reddy and further evidence

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