

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

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**Criminal Appeal No.454 OF 2010**

Between:

K.Rattaiah @ Ratnaji

... Appellant

And

The State of Andhra Pradesh,  
rep. by its Public Prosecutor,  
High Court for the State of A.P,  
Hyderabad.

... Respondent.

DATE OF JUDGMENT PRONOUNCED: 07.07.2022

Submitted for approval.

**THE HON'BLE SRI JUSTICE K.SURENDER**

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|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reporters/Journals     | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

\* THE HON'BLE SRI JUSTICE K.SURENDER

+ CRL.A. No.454 of 2010

% Dated 07.07.2022

# K.Rattaiah @ Ratnaji

... Appellant

And

\$ The State of Andhra Pradesh,  
rep. by its Public Prosecutor,  
High Court for the State of A.P,  
Hyderabad.

..Respondent.

! **Counsel for the Appellant:** M.V.Hanumantha Rao

^ **Counsel for the Respondent:** Public Prosecutor

> **HEAD NOTE:**

? **Cases referred**

<sup>1</sup> (1995) 6 Supreme Court Cases 194

**HON'BLE SRI JUSTICE K.SURENDER****CRIMINAL APPEAL No.454 OF 2010****JUDGMENT:**

1. The appellant is convicted for the offence under Section 354 of IPC and sentenced to undergo simple imprisonment for a period of five years and also to pay fine of Rs.2,000/-, in default of payment of fine, to undergo simple imprisonment for a period of six months vide judgment in S.C.No.323 of 2009 dated 31.03.2010 passed by IV Additional Metropolitan Sessions Judge, Hyderabad (for short 'the Sessions Judge').

2. The case of the prosecution is that the appellant was working as a computer repairer rendering services in the High Court. P.W.1 is a maid in the house of P.W.3, who was the then Registrar in the High Court. On 05.01.2009, the appellant went to the house of P.W.3 for repairing computer. On the said day around 5.00 p.m, watchman of the apartment made phone call to the flat and asked whether the appellant herein could be permitted to enter the flat for the purpose of repairing the computer. Thereafter the appellant entered the flat and informed P.W.1 that P.W.3 had sent him and asked for the computer. While the appellant was in the computer room, he called P.W.1

and asked her to bring water. When P.W.1 entered into the computer room with glass of water, the appellant caught hold of the hand of P.W.1 and her bangles were broken. Immediately, she cried for help and the appellant fled from the flat. P.W.1 called P.W.3 and P.W.3 came home with police and thereafter, Ex.P1 report was given.

3. Learned Sessions Judge having examined witnesses P.Ws.1 to 6 found that the appellant was guilty for the offence under Section 354 of IPC.

4. Learned counsel for the appellant would submit that the incident happened in the year 2009 and only P.W.1 and the appellant were present in the house when the alleged incident took place. Though the prosecution claims that it was the watchman of the apartment who sent the appellant inside, he was not examined. For the reason of his non examination and not producing the register maintained for visitors, the prosecution has to fail and the appellant is entitled to acquittal.

5. Learned Assistant Public Prosecutor submits that the evidence of P.W.1 is sufficient to draw inference against the appellant that he had committed an offence under Section 354 of

IPC and the well reasoned judgment of the learned Sessions Judge cannot be interfered with.

6. As seen from the evidence of P.W.1, she states that the appellant has caught hold of her hand and her bangles were broken. It is not the case of the prosecution that either bangles were seized from the place of occurrence or that the P.W.1 has received any injuries due to broken bangles on her hands. Further, when questioned during chief examination, P.W.1 stated that when the accused caught hold of her hand, she got angry and she does not know the object or intention with which the accused caught hold of her hand. Section 354 of IPC reads as follows:

**“354. 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.”

7. In the judgment of the Hon'ble Supreme Court reported in the case of **Rupan Deol Bajaj v. Kanwar Pal Singh Gill**<sup>1</sup>, in paragraphs 13, 14 and 15, it is discussed about the meaning of the word 'modesty' and what act of a person would amount to

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<sup>1</sup> (1995) 6 Supreme Court Cases 194

outraging such 'modesty' of woman. Their Lordships have held that from the dictionary meaning of 'modesty' and the interpretation given by the Hon'ble Supreme Court in State of Punjab v. Major Singh's case, it appears that the test for ascertaining whether modesty has been outraged is the action of the offender as could be perceived as one which is capable of shocking the sense of decency of a woman.

8. Applying the above test as laid down by the Hon'ble Supreme Court, it cannot be said that catching hold of the hand of P.W.1 amounts to outraging her modesty in the present facts. Even according to P.W.1 when questioned during the chief examination, she stated that she was angry for the reason of catching her hand and she did not know about any intention or the object of the accused in catching hold of her hand.

9. In the present facts and circumstances of the case, since P.W.1 herself did not perceive the act of catching hold of her hand as invading her decency as a woman, it cannot be said that the ingredients of Section 354 of IPC are made out to sustain the conviction.

10. Accordingly, the appeal is allowed setting aside the conviction of the appellant under Section 354 of IPC vide judgment of the learned Sessions Judge in S.C.No.323 of 2009 dated 31.03.2010. Since the appellant is already on bail, the bail bonds shall stand cancelled.

As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

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**K.SURENDER, J**

Date: 07.07.2022  
kvs

**HON'BLE SRI JUSTICE K.SURENDER**

CRIMINAL APPEAL No.454 OF 2010

Date: 07.07.2022.

kvs