

Janki Lal Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Jul-28-1986

Reported in : 1986WLN(UC)467

Judge : Guman Mal Lodha, J.

Appeal No. : S.B. Criminal Appeal No. 320 of 1978

Appellant : Janki Lal

Respondent : State of Rajasthan

Disposition : Appeal dismissed

Judgement :

Guman Mal Lodha, J.

1. The sacred and pious relationship of teacher and student was abused and mis-used by a teacher in this case by calling him and than trying to commit sodomy. The boy was student of 4th Class.

2. The surprising feature of the case is that on these allegations, which have been found to be proved, the trial Court framed charge under Section 355 IPC and convicted the accused for offence under Section 352, IPC. The trial Court went a step further and granted probation.

3. The accused is even then not satisfied and has come in appeal.

4. After hearing learned Counsel for the parties and the learned Public Prosecutor, I was inclined to issue notice of enhancement as the offence alleged to be proved, appears to be of very serious nature. However, since no charge has been framed under Section 357 read with Section 511, IPC and further because the State has not filed any appeal, I am of the opinion that after the lapse of such long time, when the offence is of 1974, it would not be in the interest of justice to enhance the sentence now.

5. In my opinion, the conviction is based on just and proper appreciation of evidence and calls for no interference. If any interference is to be done, it can only be done by way of enhancement of sentence, which again would now be inexpedient at this stage.

6. It is unfortunate that a child reading in 4th Class (Badri), was called by the teacher, the accused Jankilal, and then was assaulted. It is very rare that such cases come to the Courts because mostly students, more so children, choose to suffer silently such atrocities and even sex overtones of the teachers.

7. However, since no interference is to be done, it would not be in the interest of justice to mention in detail the facts and discuss the entire evidence afresh. In fact realising the gravity of the offence, learned Counsel was not in a position even to seriously press the appeal.

8. Consequently, the appeal fails and is hereby dismissed.