

IN THE COURT OF MR. HARGURVARINDER SINGH JAGGI,
ADDL. SESSIONS JUDGE (FTC-01), SOUTH DISTRICT, SAKET
COURTS, NEW DELHI

CA No:	561/2025	
CNR No.:	DLST01-018121-2025	
FIR No.:	02/2021	
Police Station:	INA Metro Station	
u/Section:	354, 354A, IPC 1860 415, BNSS 2023 :: 374, CrPC 1973	

IN THE MATTER OF:

MOHD. TAHIR

... Appellant

Through – Mr. Anand Kumar Pandey,
Advocate for the Appellant.

v.

THE STATE

... Respondent

Through – Mr. Santosh Kumar, Addl.
Public Prosecutor for State.

Ms. Meghna Mukherjee,
Advocate for the
complainant/victim.

Date of filing of appeal:	06.11.2025
Date of reserving judgment:	13.02.2026
Date of pronouncement of judgment:	09.03.2026

JUDGMENT

- 1) On March 08th of every year International Women's Day is celebrated across the globe, to mark and rejoice in the accomplishments of women in different spheres of life, and to create awareness that a lot more is yet to be done to bring in gender equality, opportunity, recognition.
- 2) The judgment dated 24.05.2025 and sentencing order dated 06.10.2025 passed by the Court of Ms. Chhaya Tyagi, Judicial Magistrate First Class – 02, South District, Saket Court Complex, Delhi (Trial Court), in the case of ***State v. Mohd. Tahir — CR Case No. 6368/2021*** sheds light on the safety and security concerns for women traveling in the Delhi Metro, a matter of increased relevance as we all celebrated International Women's Day on March 08, 2026.
- 3) Mohd. Tahir (appellant/accused) has been convicted for an exhibitionist behaviour of exposing himself by masturbating and touching a young woman in Delhi Metro – Yellow Line enroute Saket Metro Station to INA Metro Station.
- 4) The appellant has preferred an appeal under Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) challenging the judgment dated 24.05.2025 (impugned judgment) and sentencing order dated 06.10.2025 (impugned order) passed by the Court of Judicial Magistrate First Class, Mahila Court-02, Saket Courts, New Delhi (Trial Court), in a case titled as ***State v. Mohd. Tahir — CR Case No. 6368/2021*** arising out of FIR No. 02/2021 dated 27.03.2021

(subject FIR) registered at INA Metro Station under Section 354, 354A of the Indian Penal Code, 1860 (IPC).

5) The Trial Court by impugned judgment found the appellant guilty for commission of offences punishable under Section 354, IPC — Assault or criminal force to woman with intent to outrage her modesty and Section 354A, IPC — Sexual Harassment.

6) The Trial Court by impugned order punished the appellant as below:

a) For the offence under Section 354 IPC:

- i) Rigorous Imprisonment (R.I.) for a period of 1 year
- ii) A fine of ₹5,000/-
- iii) In default of payment of the fine within 60 days, the convict was to undergo simple imprisonment for 15 days.

b) For the offence under Section 354A(1)(i) IPC:

- i) Rigorous imprisonment for a period of 1 year
- ii) A fine of ₹5,000/-
- iii) In default of payment of the fine within 60 days, the convict was to undergo simple imprisonment for 15 days.

- 7) All sentences imposed by the Trial Court were to run concurrently. The period already undergone by the appellant/convict in judicial custody, if any, was to be set off under Section 428 CrPC, 1973.
- 8) The Trial Court also awarded compensation for the victim by way of the realisation of fine, to be paid to the victim as compensation under Section 357 of the Code of Criminal Procedure, 1973 (CrPC).
- 9) The Trial Court granted bail to the appellant till 06.11.2025, for the purpose of filing an appeal under Section 389(3)(i) CrPC, with bail bonds in the sum of ₹20,000/- with one surety.
- 10) The FIR against the convicted appellant was lodged at the behest of a woman. To maintain the anonymity of the complainant/victim, neither her name nor personal details, such as address, mobile phone number, email ID are being disclosed in this judgment. Further, the complainant/victim is either addressed interchangeably as “she”, “her” and/or “the complainant”.
- 11) The prosecution's case before the Trial Court was based on the complaint filed against the accused, Mohd. Tahir, for offences under Section 354 (Assault or criminal force to woman with intent to outrage her modesty) and Section 354A (Sexual Harassment), IPC. The incident was alleged to have occurred on 27.03.2021, around 7:10 P.M., inside a Delhi Metro train traveling on the Yellow Line between Saket Metro Station and Hauz Khas Metro Station.

12) The complaint stated that the accused, who was standing next to the complainant, masturbated with his left hand while holding the metro pillar with his right hand, rubbed his right hand thumb over the complainant's shoulder, and continuously stared at her. Despite the complainant's protest, asking him to "*please sahi se khade ho jaye,*" the accused did not stop, causing her to make a noise which led to fellow passengers making the accused de-board the train.

13) Following the incident, the FIR No. 02/2021 dated 27.03.2021 at police station INA Metro was registered on the basis of the complainant's statement. On 27.05.2023, the charges under Section 354, 354A IPC were formally framed against Mohd. Tahir. During the trial, the prosecution examined five witnesses, including the complainant (PW-1) and the IO (PW-5), to prove the charges and bring home the guilt of the accused/appellant.

14) The accused, in his statement recorded under Section 313 CrPC, 1973 denied all allegations and claimed he had been falsely implicated. The Trial Court, after appreciating the evidence, concluded that the prosecution had sufficiently proved the guilt of the accused beyond a reasonable doubt, leading to his conviction on 24.05.2025.

15) On being aggrieved by his conviction and punishment meted out by the Trial Court, the appellant has challenged the impugned judgment and impugned order on the following grounds:

- a) The impugned judgment and order passed by the Trial Court is against the law and fact.

- b) The Trial Court failed to appreciate that the prosecution failed to prove its case beyond reasonable doubt by leading reliable, cogent, and convincing evidence.
- c) The Trial Court failed to appreciate the inconsistency in the complainant's statements regarding the exact timing of the incident (7:10 p.m. in the initial complaint and 7:00 p.m. in the deposition) and the place of deboarding (Green Park Metro in deposition and INA Metro in the statement under Section 164 CrPC).
- d) The Trial Court failed to appreciate that no incident happened, which is why no CCTV footage of the incident or Controller's Room is available.
- e) The Trial Court failed to appreciate that the prosecution witness PW-2 admitted he was aware that CCTV cameras are installed in Metro Trains, but neither he nor the IO (Investigating Officer) in his presence collected the CCTV footage.
- f) The Trial Court failed to appreciate that the Controller, Green Park Station (PW-3) deposed that the CCTV Footage of the Metro was not collected by the IO in her presence.
- g) The Trial Court failed to appreciate that PW-2 deposed that the Controller's Room was not under CCTV surveillance.

- h) In the absence of CCTV footage due to non-availability, the benefit of the doubt goes in favor of the appellant, and no independent witness or passenger was cited or examined by the prosecution to prove the alleged incident in a crowded train.
- i) The Trial Court failed to appreciate the cross-examination statements of PW-2, PW-3, and PW-5, which showed:
 - i) PW-2 stated that he did not collect any CCTV camera footage, nor did the IO in his presence, and that the Controller's Room is not under surveillance of CCTV cameras.
 - ii) PW-3 stated that the IO did not collect the CCTV camera installed in the metro train or any other CCTV camera in her presence, and the Controller's Room is not under surveillance of CCTV cameras.
 - iii) PW-5 stated he never visited the metro in which the incident took place, CCTV footage of inside the metro was not available, and no eyewitness was found by him.
- j) The Trial Court failed to appreciate that the witness cited by the prosecution, PW-4, has not supported the case of the prosecution.

- k) The Trial Court failed to appreciate that the appellant is falsely implicated, and the facts are manipulated by the complainant and the prosecution, which has caused grave injustice to the appellant.

Submissions by learned counsel for parties

16) Mr. Anand Kumar Pandey learned counsel for the appellant unleashed the barrage of oral submissions challenging the impugned judgment and order passed by the Trial Court. The learned counsel submitted that the Trial Court fell in grave error by convicting the appellant on the sole testimony of the prosecutrix. The learned counsel submitted that the prosecution's evidence is based on the testimony of the prosecutrix. The learned counsel further submitted that the prosecution cited and examined five witnesses in total but other than the complainant no independent witness has vouched the allegations levelled by the complainant against the appellant.

17) The learned counsel for the appellant further submitted that the alleged incident is of the Delhi Metro — Yellow Line, which is one of the busiest metro lines. The learned counsel submitted that no CCTV camera footage has been produced for examination in evidence by the prosecution.

18) The learned counsel for the appellant urged that the testimony of the prosecutrix is marred by contradictions, which the Trial Court failed to take notice of. The learned counsel further submitted that as per the allegations, the incident occurred at Hauz Khas, but unexplainably the subject FIR was registered at the INA Metro

Station. The learned counsel further submitted that as per the prosecutrix the alleged incident occurred at 7:00 P.M., whereas the Trial Court failed to appreciate that the time period of 7:00P.M. — 7:30P.M. is peak rush hour and the appellant could not be identified in a crowd. The learned counsel further submitted that admittedly there were other people present and neither the appellant nor the prosecutrix are known to each other.

19) The learned counsel further submitted that the Trial Court failed to consider the relevant fact that despite it being peak rush hour of Delhi Metro, yet no public witness, any independent witness cited and examined by the prosecution.

20) Mr. Pandey learned counsel for the appellant submitted that the case at hand suffers from grave violation of an invaluable right of an accused person, which is fair investigation. The learned counsel submitted that the concerned IO failed to undertake a just, proper and fair investigation of the case. The learned counsel further submitted that as per the prosecutrix, the alleged act by the appellant started from the boarding station, Saket Metro station and yet the prosecutrix did not scream.

21) The learned counsel for the appellant submitted that the appellant is a 55 years old, law abiding citizen and his conduct before the Trial Court and also before this Court has been stellar. The learned counsel further submitted that not only the convicting but also the sentencing by the Trial Court is harsh and onerous upon the appellant

and the same deserves to be set aside for the reasons and submissions made herein above.

22) On the other hand, Mr. Santosh Kumar learned Additional Public Prosecutor (APP) for the State vehemently contended the submissions advanced by Mr. Pandey learned counsel for the appellant. The learned APP submitted that the applicable standard of proof with regard to the guilt of the accused person is *proved beyond reasonable doubt*. The learned APP further submitted that nowhere it says *prove beyond all doubts*, as such an impression given by the learned counsel for the appellant is erroneous and fallacious.

23) The learned APP submitted that the oral arguments advanced by the learned counsel for the appellant were preposterous and contrary to the record. The learned APP submitted that there is no shred of evidence to point out that the case at hand is of false implication by the prosecutrix. The learned APP submitted that both the victim and the aggressor are complete strangers, not known to each other. The learned APP further submitted that it is nobody's case that they were warring parties and had an argument, fight in relation to boarding, disembarking the train coach.

24) Mr. Kumar learned APP submitted that the case at hand is of sick mindset, which exposes the vulnerability and lack of safety of women traveling through public mode of transport. The learned APP submitted that the stark unbearable reality of our lives is that the majority of women traveling through public transport do suffer from prying eyes and inappropriate touch.

25) Mr. Kumar learned APP submitted that an exhibitionist like the appellant before this Court has been let off by the Trial Court with a slap on the wrist, lighter sentence. The learned APP submitted that the prosecutrix is a victim of sexual harassment in a Delhi Metro and she has stood by her statement. The learned APP with regard to the contradictions cited by the learned counsel for the appellant submitted that the victim is not supposed to have pictorial graphic memory. The learned APP further contended that where CCTV camera video footage is not available does not mean that the alleged offence was not committed. The learned APP submitted that the prosecutrix statement was corroborated by Jyoti Panwar, Controller, Green Park Metro Station (PW-3), who deposed that the prosecutrix pressed the emergency button from the coach she was travelling in.

26) The learned APP concluded his arguments on the note that the impugned judgment and the sentencing order passed by the Trial Court does not suffer from any perversity and the same may be upheld by dismissing the appeal preferred by the appellant.

27) Mr. Anand Kumar Pandey learned counsel for the appellant contended the submissions advanced by the learned APP by rejoining his arguments that the impugned judgment and the sentence order may be reversed by this Court in exercise of its appellate power as the same lacks proper applicability of standard of proof and failure to appreciate the evidence led by the prosecution in light of the alleged facts and circumstances.

Legal provisions and principles

28) Section 354, IPC reads as below:

“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, ¹[shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine].

29) The key ingredients of Section 354, IPC are as under:

- a) That the assault must be on a woman.
- b) That the accused must have assaulted or used criminal force on her.
- c) That the criminal force must have been used on the woman intending thereby to outrage her modesty.

The aforesaid ingredients of Section 354, IPC have been discussed at length by the Apex Court in its landmark judgment of ***S.P.S. Rathore v. C.B.I. & Anr. – 2016 INSC 907.***

30) The Apex Court in ***Raju Pandurang Mahale v. State of Maharashtra – 2004 INSC 98 (Raju Pandurang’s case)*** while examining the conviction under Sections 342, 354 read with Section 34, IPC arising out of an incident, where the prosecutrix was lured to an accused’s house, confined, assaulted, forcibly given liquor, disrobed, photographed, and raped. The Court affirmed that the factual record supports wrongful confinement and conduct that outrage

¹ Subs. by Act 13 of 2013, s. 6, for “shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both” (w.e.f. 3-2-2013).

female modesty, applying established legal tests and precedents. The relevant extract of the judgment in *Raju Pandurang's case* is reproduced as below:

“What constitutes an outrage to female modesty is nowhere defined. The essence of a woman's modesty is her sex. The culpable intention of the accused is the crux of the matter. The reaction of the woman is very relevant, but its absence is not always decisive. Modesty in this Section is an attribute associated with female human beings as a class. It is a virtue which attaches to a female owing to her sex. The act of pulling a woman, removing her saree, coupled with a request for sexual intercourse, is such as would be an outrage to the modesty of a woman; and knowledge, that modesty is likely to be outraged, is sufficient to constitute the offence without any deliberate intention having such outrage(sic) alone for its object. As indicated above, the word ‘modesty’ is not defined in IPC. The shorter Oxford Dictionary (Third Edn.) defines the word ‘modesty’ in relation to woman as follows:

“Decorous in manner and conduct; not forward or lower; Shame-fast: Scrupulously chaste.”

*Modesty is defined as the quality of being modest; and in relation to women, “womanly propriety of behaviour; scrupulous(sic) chastity of thought, speech and conduct.” It is the reserve or sense of shame proceeding from instinctive aversion to impure or coarse suggestions. As observed by Justice Patterson in **Rex v. James Lloyd, (1876) 7 C & P 817**. In order to find the accused guilty of an assault with intent to commit a rape, court must be satisfied that the accused, when he laid hold of the prosecutrix, not only desired to gratify his passions upon her person but that he intended to do so at all events, and notwithstanding any resistance on her part. The point of distinction between an offence of attempt to commit rape and to commit indecent assault is that there should be some action on the part of the accused which would show that he was just going to have sexual connection with her.*

Webster's Third New International Dictionary of the English Language defines modesty as “freedom from

coarseness, indelicacy or indecency; a regard: for propriety in dress, speech or conduct". In the Oxford English Dictionary (1933 Edn.), the meaning of the word 'modesty' is given as "womanly propriety of behaviour: scrupulous chastity of thought, speech and conduct (in man or woman); reserve or sense of shame proceeding from instinctive aversion to impure or coarse suggestions."

In State of Punjab v. Major Singh, AIR (1967) SC 63 a question arose whether a female child of seven and a half months could be said to be possessed of 'modesty' which could be outraged. In answering the above question the majority view was that when any act done to or in the presence of a woman is clearly suggestive of sex according to the common notions of mankind that must fall within the mischief of Section 354 IPC. Needless to say, the "common notions of mankind" referred to have to be gauged by contemporary societal standards. It was further observed in the said case that the essence of a woman's modesty is her sex and from her very birth she possesses the modesty which is the attribute of her sex. From the above dictionary meaning of 'modesty' and the interpretation given to that word by this Court in Major Singh's case (supra) the ultimate test for ascertaining whether modesty has been outraged is whether the action of the offender is such as could be perceived as one which is capable of shocking the sense of decency of a woman. The above position was noted in Rupan Deol Bajaj (Mrs.) and Anr. v. Kanwar Pal Singh Gill and Anr., [1995] 6 SCC 194. When the above test is applied in the present case, keeping in view the total fact situation, the inevitable conclusion is that the acts of accused appellant and the concrete role he consistently played from the beginning proved combination of persons and minds as well and as such amounted to "outraging of her modesty" for it was an affront to the normal sense of feminine decency."

31) Thus, the established standard of test is whether the action of the offender is such as could be perceived as one which is capable of shocking the sense of decency of a woman. The essence of a woman's modesty is her sex, and any act done to or in the presence of a woman

that is clearly suggestive of sex according to the common notions of mankind must fall within the mischief of Section 354, IPC.

32) The offence of sexual harassment is punishable under Section 354A, IPC, which reads as under:

[354A. Sexual harassment and punishment for sexual harassment.—(1) Aman committing any of the following acts—

(i) physical contact and advances involving unwelcome and explicit sexual overtures; or

(ii) a demand or request for sexual favours; or

(iii) showing pornography against the will of a woman; or

(iv) making sexually coloured remarks,

shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.]²

33) Section 354A, 354B, 354C and 354D *inter alia* were inserted in the year 2013 in the IPC by the Criminal Law Amendment Act, 2013 on the recommendations of the three-member Justice J.S. Verma Committee. The recommendations were post occurrence of the infamous Nirbhaya gangrape case of Delhi, to strengthen laws against sexual harassment.

² Ins. by s. 7, *ibid.* (w.e.f. 3-2-2013).

34) The key ingredients of Section 354A, IPC are as under:

A man commits any of the following acts –

- a) Physical contact and advances involving unwelcome and explicit sexual overtures, or
- b) A demand or request for sexual favours, or
- c) Showing pornography against the will of a woman, or
- d) Making sexually coloured remarks

shall be guilty of sexual harassment.

35) Section 354A, IPC makes it unequivocally clear that when a man commits an act of physical contact and advances involving unwelcome and explicit sexual overtures, he shall be guilty of the offence of sexual harassment.

36) The Apex Court in its landmark judgment of *Vadivelu Thevar v. The State of Madras – 1957 INSC 38* examined convictions for murder and related offenses arising from a violent nighttime attack, focusing on the reliability of eyewitness testimony and the sufficiency of a single witness's account. The Court analyzes trial and appellate proceedings, discrepancies in witness statements, and corroborative medical and investigative evidence supporting the principal witness's account.

37) The Apex Court articulated legal principles on acting upon uncorroborated testimony under the Indian Evidence Act,

distinguishing prudential exceptions (child, accomplice, analogous witnesses) and explaining that sentencing must reflect extenuating circumstances independently of evidentiary volume. The appeals were dismissed, upholding the murder conviction and modified sentence for the second accused.

38) In the case of ***Lallu Manjhi and Anr. v. State of Jharkhand – 2003 INSC 1***, the Hon’ble Supreme Court relied upon ***Vadivelu Thevar v. The State of Madras – 1957 INSC 38*** and classified the oral testimony of the witnesses into three categories:

- a) Wholly reliable;
- b) Wholly unreliable; and
- c) Neither wholly reliable nor wholly unreliable.

39) The relevant extract of ***Lallu Manjhi and Anr. v. State of Jharkhand – 2003 INSC 1*** is reproduced as below:

*“The Law of Evidence does not require any particular number of witnesses to be examined in proof of a given fact. However, faced with the testimony of a single witness, the Court may classify the oral testimony into three categories, namely (i) wholly reliable, (ii) wholly unreliable, and (iii) neither wholly reliable nor wholly unreliable. In the first two categories there may be no difficulty in accepting or discarding the testimony of the single witness. The difficulty arises in the third category of cases. The court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct or circumstantial, before acting upon testimony of a single witness. {See – ***Vadivelu Thevar etc. v. State of Madras, AIR (1957) SC 614***}. ”*

40) The Apex Court in a latest judgment in the case of *Harvinder Singh @ Bachhu v. State of Himachal Pradesh – 2023 INSC 907* has reiterated and clarified important legal principles on the appreciation of evidence, particularly in cases relying on a single eyewitness. For the purpose of better understanding and reliance, the same are summed up as below:

Appreciation of evidence

- a) Quality over quantity: The Court emphasized that the focus must be on the quality, not the quantity, of evidence. Section 134 of the Indian Evidence Act, 1872 explicitly states that no particular number of witnesses is required for proof of any fact. The evidence must be weighed, not counted.
- b) Degree of probability: The existence of a fact must be established by a degree of probability, based on a logical analysis of the materials and evidence before the court.
- c) Types of evidence: Evidence can be categorized as wholly reliable, wholly unreliable, or neither wholly reliable nor wholly unreliable. If the evidence is wholly reliable, the Court may convict or acquit based solely on that testimony. If it is neither wholly reliable nor wholly unreliable, corroboration is required.
- d) Role of the Judge: The Judge must assess evidence from the perspective of a prudent person, transforming into the

role of a prudent man before resuming the judicial role to determine the existence of a fact.

- e) Circumstantial evidence: When relying on circumstantial evidence, the court must ensure that all circumstances are fully established and form a complete chain pointing only to the guilt of the accused, excluding any other hypothesis.

Single Eyewitness Testimony

- f) Legal position: Conviction can be based on the testimony of a single eyewitness if the witness is found to be wholly reliable and free from suspicion of bias, incompetence, or subornation.
- g) Requirement of corroboration: If the single eyewitness is not wholly reliable, Courts generally seek independent corroboration in material particulars before recording a conviction.
- h) Unnatural conduct: The conduct of the witness is a relevant factor. If the witness's behavior is unnatural and not in accord with normal human behavior, their testimony becomes questionable and may be discarded.
- i) Human behavior variability: While recognizing that individuals react differently under stress, the Court held that when conduct is so unnatural as to defy explanation, it undermines the credibility of the witness.

j) Material witnesses: The non-examination of other available material witnesses, especially when their testimony could provide a different perspective, must be taken seriously. Deliberate withholding of such witnesses can lead to an adverse inference against the prosecution.

41) The position in law is equally well settled that the earliest statement of a person can be used to corroborate his/her own testimony as a witness in the Court, but not that of some other witness. In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved. The word “statement” means only ‘something that is stated’ even where such a statement is not communicated. The previous statement may be given orally or in writing or maybe made to some person at all about the time and the fact took place. It is not essential that the person to be corroborated must, besides making the former statement about the time when the fact took place, also say in his/her testimony that he/she had made that former statement to the one who is corroborating him. Such statements may be used as corroborative evidence and not as independent evidence in support of other evidence.

42) The main test is whether the statement was made as early as can reasonably be expected in the circumstances of the case and before there was an opportunity for tutoring or concoction. Where there is delay in making such a statement, thus giving scope for reflection or

even contemplation, its utility is restricted to confronting the maker for contradicting him, and it has no corroborative value – *See Nathuni Yadav v. State of Bihar AIR 1997 SC 1808.*

Analysis

43) Now coming to the case at hand with the above-said legal standards as anchor point, to ascertain whether the impugned judgment and the sentencing order are marred by perversity and ought to be interfered with by this Court in exercise of appellate power.

44) The specific act alleged against Mohd. Tahir was that on 27.03.2021, around 7:10 P.M. in the metro between Saket Metro Station to Hauz Khas Metro Station, he “*masturbated while standing next to the complainant, stared at and touched the complainant*”. The Court found the testimony of the sole eyewitness (PW1) to be wholly reliable and convicted Mohd. Tahir for outraging modesty and sexually harassing the complainant.

45) The learned counsel for the appellant has argued that the statements of the complainant made before the concerned Magistrate under Section 164, CrPC (Ex.PW1/D) and her testimony before the Trial Court are mired with contradictions and thus not reliable. The learned counsel for the appellant contended that before the Magistrate, on 31.03.2021 the complainant stated that she along with the accused/appellant, who was forced by the co-passengers deboarded at INA Metro Station, whereas on 04.12.2023, the complainant testified, “*However, with the help of fellow passengers, we deboarded at Green Park Metro Station.*”

46) On juxtaposing the complaint dated 27.03.2021 of the prosecutrix with her statement dated 31.03.2021 under Section 164, CrPC recorded before the concerned Magistrate and also with her testimony dated 04.12.2023, it is apparent nay evident that the contradiction as flagged by the learned counsel for the appellant about being deboarded at Green Park Metro Station or INA Metro Station is not fatal to the case. The confusion about the names of the Metro Station on the part of the complainant as flagged by the appellant is a red herring argument. Further, the lag of time i.e. 7:00 P.M. or 7:10 P.M. about the occurrence of the incident as highlighted by the appellant/accused in his appeal is also found to have no bearing to knock off the edifice of the Trial Court's judgment. The complainant/prosecutrix (PW-1) has stood by her version of the appellant/accused being an exhibitionist, who not only was masturbating while standing next to her, but also touched her inappropriately.

47) The admitted position is that both the complainant/prosecutrix and the appellant/accused were indeed travelling on the Delhi Metro – Yellow Line on the day of the incident. It is nobody's case that both of them had any prior altercation, dispute either relating to the boarding of the train and/or seat in the concerned coach. It is observed that when the incriminating evidence as surfaced against the appellant/accused was put to him before the Trial Court at the time of recording of his statement under Section 313, CrPC, the appellant/accused stated that he is innocent and he did nothing. No

defence evidence has been led by the appellant/accused before the Trial Court.

48) The Court is in consonance with the protest lodged by Mr. Santosh Kumar learned APP that the behaviour and unabashed act of the appellant/accused of indecent exposure, public lewdness to a fellow female passenger is a regrettable one. It is the duty of the State to ensure the safety of women as the appellant/accused was convicted for offences under Sections 354 and 354A of the Indian Penal Code, 1860 (IPC), for an incident of public lewdness, exhibition of male genitals and sexual harassment that occurred on 27.03.2021, in a crowded Delhi Metro between Saket and Hauz Khas Metro Stations. The Trial Court, in its order on sentence, rightly observed that offences against women, especially those committed in a public space like a crowded metro, cause not only physical but also deep psychological trauma, violating the victim's sense of privacy and security. The fact that the incident took place on a moving metro, where the victim had to press an emergency button to seek help, underscores the robust security measures and a swift, effective response mechanism in place within the metro system.

49) However, much more needs to be done. All the stakeholders of the criminal justice system in the present case have demonstrated a commitment to holding the perpetrator accountable, with the Trial Court finding the accused guilty beyond a reasonable doubt and sentencing him to rigorous imprisonment for one year each for the

offenses under Section 354 and Section 354A(1)(i) IPC, to run concurrently, along with a fine.

50) This Court finds that the impugned judgment passed by the Trial Court is based on the direct evidence of the victim's testimony, corroborated by other witnesses who were part of the same transaction, which included the pressing of the emergency button, the arrival of officials, and the arrest of the accused in the Controller's Room at Green Park Metro station. This Court, on proper re-appreciation of the entire evidence, comes to the conclusion that the prosecution was successful before the Trial Court in proving the case beyond reasonable doubt and the offence punishable under Section 354 of the IPC was made out.

Conclusion

51) In view of the aforesaid legal principles, foregoing reasons and observations, this Court holds that there is neither any perversity in the impugned judgment passed by the Trial Court nor any merit in the appeal preferred by Mohd. Tahir in challenging the impugned judgment dated 24.05.2025 and the impugned sentencing order dated 06.10.2025 passed by the Trial Court in the case titled as ***State v. Mohd. Tahir — CR Case No. 6368/2021.***

52) This Court finds and rules that the Trial Court rightly convicted and sentenced Mohd. Tahir for commission of offences punishable under Section 354 and 354A, IPC. Accordingly, the instant appeal is dismissed and the impugned judgment dated 24.05.2025 and the

impugned sentencing order dated 06.10.2025 passed by the Trial Court are upheld and affirmed.

53) All pending applications, if any, also stand disposed of.

54) Accordingly, it is ordered that the appellant, Mohd. Tahir be taken into custody for the execution of sentence. Bail bonds and surety bonds stand cancelled. The complainant is directed to appear before the Trial Court on **28.03.2027** for release of fine amount already deposited by the convict/appellant in terms of the impugned judgment and sentencing order passed by the Trial Court.

55) Let a certified copy of this judgment be provided to the appellant/convict and the complainant free of cost. Let a certified copy of this judgment along with the TCR be transmitted to the Trial Court as per rules. File be consigned to the Record Room on compliance of directions and as per applicable rules.

**Pronounced in the open Court
on March 09, 2026**

**(Hargurvarinder Singh Jaggi)
Addl. Sessions Judge (FTC-01)
South District
Saket Courts, New Delhi**

EB

Note: This order comprises of 25 pages in total. The electronic signature certificate (digital signature) of the Presiding Officer has been appended on the last page of the electronic or digital copy (PDF) of this document.