



**TRIAL ADVOCACY PROBLEM:**

**State of Maharashtra vs. Arjun Harish Lakra**

*In the Court of the Principal Sessions Judge, Dindoshi.*

**List of Documents:**

1. First Information Report **(To be proved by the Prosecution)**
2. Statements under s.161 CrPC
3. Scene of Offence Panchnama (Exhibit 1)
4. House Search Panchnama (Exhibit 2)
5. Medicolegal Injury Certificate of the Victim (Exhibit 3)
6. Chemical Examination Report of the Victim's shirt(Exhibit 4)
7. Chemical Examination Report of broken glass pieces (Exhibit 5)
8. Chemical Examination Report of glass bottle (Exhibit 6)
9. Chemical Examination Report of Accused trousers (Exhibit 7)
10. Internal Complaints Committee Report **(To be proved by the Defence)**
11. Application by Defence seeking permission to examine Accused under the relevant provisions of law **(To be drafted and submitted by the Participants at the time of Orientation).**

**List of Appendices:**

1. Statements of Defence Witnesses

## FIRST INFORMATION REPORT

(under Section 154 CrPC)

(To be proved by Prosecution)

1. District: *Mumbai* P.S: Santacruz Police Station Year: *2019*  
FIR No: *135 of 2019*  
Date of occurrence: *10<sup>th</sup> August 2019*
2. Act: *Indian Penal Code, 1860* Sections: *326A, 325, 354-A, & 354-D*
3. Occurrence of Offence, Day: *Saturday, 10<sup>th</sup> Aug 2019* Time: *12.10-12.30am*
4. Information recorded at PS: Date: *10<sup>th</sup> Aug 2019* Time: *1.05 am*  
*General Diary Reference Entry No: 396/2019*  
Information recorded by: *Asst. Police Inspector V. Sharma*
5. Type of information: *Personal* \* Written / Oral: *written*
6. Place of Occurrence: Direction / Distance from PS: *Outside main entrance of Saraswat Colony Park, Potohar nagar, Santacruz (W), Mumbai 400054 – 550 m from Santacruz Police Station*
7. Informant Name: *Mr. Naushad T. Marolia* Father's name: *Tehmu Marolia*  
Date of birth: *17.May.1991* Nationality: *Indian*  
*Occupation: IT entrepreneur*  
Address: *Flat # 1, Jeroo Mansion, 1st floor, Dadar Parsi Colony, Dadar (E), Mumbai 400014.*
8. Basis on which FIR is lodged: *Information provided by Mr. Naushad Marolia*
9. Details of Known / Unknown / Suspected accused with particulars:  
*Known person – Capt. Arjun Lakra*

9. Reasons for delay in reporting by informant: - *no delay, informed immediately*

10. Particulars of injuries sustained: *As per Medical Report*

11. Particulars of the post mortem report: *Not applicable*

12. Inquest report / Unnatural death case no. if any:

*FIR read over to the informant, admitted to be correctly recorded and a copy given to the complainant/informant free of cost.*

Signature/thumb impression of complainant/informant:

*Signed Mr. Naushad T. Marolia*

Signature of Office-in-charge, Police station: *API Sharma*

Date and time of despatch to the Court: *10th Aug 2019 at 4.00 pm*

*nyaya* *avhalokan*  
2019



**PW 1 – Mr. Naushad T. Marolia (Complainant)**

Age: 29 years

Occupation: Software Engineer

Address: Flat # 1, Jeroo Mansion, 1st floor, Dadar Parsi Colony, Dadar (E),  
Mumbai 400014.

**Statement:** I am a software engineer working with GE in Mumbai. I live at Dadar Parsi Colony. I have been dating Mallika for the past 4 years. We met at a common friends' wedding in my colony and we hit it off very well. I encouraged Mallika to pursue a career in the airlines because she was always keen on travelling and enjoyed working out, maintaining herself and was very social. She did really well at the academy and I was very excited when she graduated and got this job with Bharat Air immediately. Mallika was always a very happy person and a generous human being. We used to try and spend as much time together as possible. With her erratic work schedule and my long work hours, a lot of the time our relationship during the week was conducted over the phone. We would speak at least 2-3 times a day. At New Years this year, she told me about this Capt Lakra who she had met briefly at the office Christmas party. She said that he had tried to flirt with her but she made it very clear she was already dating me and was not interested. She mentioned that she had seen a wedding ring on his finger. A few weeks later she called me from her Dubai hotel room sounding very upset. She started crying on the phone telling me that Lakra was on her flight and had made advances to her and made some heavily loaded sexual statements. After calming her down on the phone I suggested she ask to fly back to Mumbai with another crew. She said she would. When she returned to Mumbai and I tried to talk about what happened she said all was well and she wanted to forget the incident and continue to focus on her career at Bharat Air, since she was doing so well and her work was much appreciated.

We did not discuss Lakra again until one day a few months later, Mallika told me she had been receiving some strange calls from an unlisted number. I told her to pass me the call the next time it came. We finally downloaded True Caller on her phone and were able to identify the number as belonging to one 'Harish Lakra'. I

assumed that must be some relative of Capt. Lakra. We decided if we ignored the calls the person would get bored of the game and stop calling. I told Mallika not to take the calls when she saw that number displayed. She later told me that when she stopped taking the calls, he started messaging her, which she did not reply to. She showed me a couple of crude sexual smses from this same number. I was infuriated and without thinking deleted the messages, but the calls kept coming. I suggested that we change her phone number, but she was very angry and said that she was not going to get intimidated by this stupid man.

I recall, one evening we were over at my place and when we stepped out of the building to go to the Gymkhana, Mallika stopped suddenly and wanted to return indoors. When I asked her why, she said that she had seen a guy on a green Kawasaki Ninja bike leaning against the colony gate staring at us....she said she thought it might be Lakra following us. I saw the bike she meant, but told her she was being paranoid and to let the Lakra thing go. There were many such bikes in Mumbai, and I knew of two in our colony, so maybe she was imagining things. I regret saying this to her because after that she shut down and did not talk about any of her worries with Lakra.

On her birthday however, when she received flowers with that 'pussycat' message, she called me sounding scared, and I realized she was not imagining and something serious was going on. I encouraged her to file a complaint with her HR head. She told me she did. This must have been sometime towards the end of May.

In July, I think July 23, 2019 to be precise, Mallika called me crying and said that she had received a letter from her company stating that they were going to take no action against her complaint regarding Lakra, since they felt the charges could not be upheld following their investigation. I did not know what to say to comfort her. I suggested going to the police but she refused. She said she valued her career too much and did not want to begin a legal journey that would eat up her life. I supported her decision.

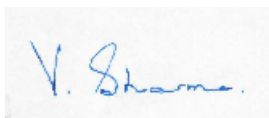
On August 2, 2019, Mallika called me from her flight, whispering on the phone and I could not hear her clearly. I kept trying to reach her thereafter but her phone was unavailable as she was in the air. When I finally got through to her a few hours later, she sounded very quiet and depressed. She told me she had called in a panic because Lakra was on her flight. She said he had not been rostered, but the scheduled pilot had an emergency and Lakra was the fill in. She said that after she returned to Mumbai she would be putting in her resignation. I tried to pry for details but she just shut down and would not speak to me. I knew something must have happened because I knew how devastated she was when Lakra was exonerated by the HR Dept. inquiry.

She filed her resignation letter on August 5, 2019 and refused to let me go with her. She stayed home all week and did not speak to me much. On Thursday evening I finished early so I went to see her. She seemed depressed and I hung around till after dinner and when she seemed more cheery, got her to commit to coming out partying the next night, being a Friday night. She agreed.

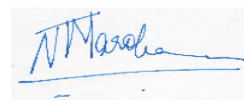
On Friday evening, August 9, 2019, I finished work at about 7 pm and headed home to shower and change. I called Mallika and told her I would fetch her by 9 pm. She was in a good mood when I reached and we went back to Kamla Mills and met some of my friends at Bar Stock Exchange. We had a few drinks and dinner and at about 11 pm I noticed Mallika was quiet and seemed tired, I asked her if she wanted to leave and she said she wouldn't mind going home by Uber if I wanted to stay on. I told her I was concerned about her and I would take her home. We reached her colony in about 20 minutes and then sat in the car listening to music and chatting. She seemed to be happier just with me in the car. A little after midnight, she said she wanted to head upstairs as she was sleepy and had her gym class at 6 am the next day. I said I would walk her to the building. We were standing outside the main gate while she called out to the watchman to unlock the gate to the colony entrance. They usually lock it after 10.30pm so this has happened to us on several occasions. We were both standing on the footpath holding hands and backing the street.

Suddenly from my left side I heard a bike's engine start, because the road was dark and quiet it was very noticeable. As the bike went past us, Mallika pulled her hand away to turn and I saw a green Kawasaki Ninja bike speed past us with two riders in helmets. The pillion rider seemed to be waving his hand. The next thing I knew, Mallika fell to the ground screaming in pain, moaning and holding her right arm and shoulder. I did not know what had happened but she was howling in pain and her clothes had burn marks. I could see her skin looked white and frothy. I yelled at the watchman to call the police, an ambulance, and her parents. A colony resident who had been walking his dog saw us and helped me pick Mallika up and lay her on a bench on the footpath. She had passed out. I called her parents who came rushing down. The police and ambulance arrived at about the same time, i.e. around 12.30-12.40 am. Her parents accompanied Mallika to the nearby Sarla Hospital in Santacruz, while the police asked me to stay behind for questioning.

Senior Police Inspector Damle came to the colony gate and inspected the area. He asked me a few questions and then after giving instructions to his juniors he asked me to go to the police station with Constable Rege as he needed to get my statement recorded. I came here to the Santacruz (W) Police Station, where API Sharma met me and asked me to tell him what happened. My statement was recorded by API Sharma, read over by me and I confirm it has been correctly recorded.



API Sharma



Naushad T. Marolia

## PW 2 - Ms. Mallika Vinay Chauhan

Age: 27 years

Occupation: Flight Attendant, Bharat Air

Address: Flat 12, Block 6, Saraswat Colony Park, Potohar Nagar, Santacruz (W),  
Mumbai 400054

**Statement:** I am an air hostess by profession and have been working for Bharat Air over the past 3 years, since I graduated from the Flight Training Academy. I started in the airline as a trainee hostess and within one year was promoted to senior 'in-flight attendant' because I was really good at my job. I was awarded 'Most Congenial Employee' at our annual Staff gathering last Christmas. At this very same party I met Captain Arjun Lakra for the first time, and we were chatting for a while. He asked me for my phone number, but since I noticed he was wearing a wedding ring I told him I prefer not to socialize with colleagues from work, especially male colleagues, since I was already dating Naushad Marolia, my boyfriend for the last 4 years. Capt. Lakra seemed to be a bit disappointed but was very polite and did not push further. The rest of the evening I hung out with my girl friends and we danced quite a bit. I caught Capt Lakra watching me a couple of times but ignored him thinking I did not want to encourage him. Three of us girls left the party well past 2 am that night, and as we were heading to the street to grab a taxi, Capt Lakra and a few other male crew members seemed to also be heading home. Capt Lakra politely asked where I lived and offered to drop me home. I told him I lived nearby, at Saraswat Colony, so I was comfortable taking a cab, but I politely thanked him for his offer.

I did not think twice about that evening until about two weeks later, on January 14, 2019, when I was scheduled on a Dubai flight, and on the crew listing I noticed that Capt Lakra was in charge of the flight. Since I was the senior flight attendant on this sector, I was assigned to the cockpit. In the beginning of the flight, Capt Lakra was very polite, and he, along with his co-pilot Capt. Alfred D'Souza were nothing but professional. Once we had taken off, I went into the cockpit to ask the gentlemen what their meal preference was, as we were

beginning passenger food service. Capt Lakra looked at me suggestively and said to the Capt D'Souza that whatever I fed him would be the sweetest 'meat' of all. I ignored the comment and after taking Capt D'Souza's chicken order I went out to the galley for service. I asked my colleague Meenakshi to run the trays to the cockpit as I did not want another confrontation. After about 15 minutes the cockpit call button rang, I asked Meenakshi once again to attend to it as I was looking after a special request for some elderly passengers. She returned to the cabin and said that Capt Lakra had specially requested me to attend the call, and that even when she explained I was busy, he insisted that I should attend. I finished what I was doing and went into the cockpit. I was a bit irritable and yet politely asked what the request was, and started to clear their meal trays. Capt Lakra put his hand over mine as I bent down to pick up his tray and said "what's the matter proud pussycat, why are your eyes hissing at me and your body hair standing on end?" I was very uncomfortable and requested him not to make personal comments or touch me, to which he replied "This is the airline business baby, anything and everrrreeeything goes", and then both men started laughing. I chose to ignore the statement and cleared their meal trays. After that incident, for the rest of the flight I avoided the cockpit. When we landed in Dubai, I was at the flight door when the Captains disembarked, and Capt Lakra paused near me on his way out, brushed his hand against my thigh and whispered "bye bye my pretty little pussycat, see you at the hotel....." and winked suggestively. I was humiliated and terrified by his tone and suggestive statement. As soon as I got to my hotel room I phoned Naushad and told him what had happened, he suggested I inform the roster department that I wished to stay on in Dubai a couple of extra days as I was not feeling well and that way I could avoid flying back to Mumbai with Capt Lakra. Meanwhile, the whole Dubai rest stop I stayed close to the girls, and avoided any space where Capt Lakra and Capt D'Souza were present. I was granted an extra day in Dubai to recover and did not fly back with Capt. Lakra. When I returned to Mumbai on Jan. 18, 2019 since nothing further had happened on the trip, I did not feel the need to do anything further regarding this incident.

In late January, weird phone calls started. I started receiving calls from an unlisted number, and when I picked up all I would hear is a strange voice

repeating the words “meow” on the phone. I asked Naushad to take some of these calls but the minute he spoke, the phone would be disconnected. After the first few calls, I installed True Caller on my phone and then I was able to identify that the calls were coming from a 'Harish Lakra'. I realized this must be a number of Capt Lakra, since the name is not a very common one. I do not know how he got my phone number. Naushad and I decided thereafter to ignore calls coming from this number. We called the horrific situation the ‘Lakra fixation’. When we stopped responding to his phone calls he started sending inappropriate sms messages. I showed Naushad some of these messages and he deleted them in a rage. The calls continued for a couple of months, intermittently, and then they stopped. Both Naushad and I were relieved and hoped this ‘Lakra fixation’ was over. During this period I had become so scared and suspicious that every time I saw a fluorescent green Kawasaki Ninja bike I would panic, thinking it was Capt Lakra following me, since I had seen him leave the Christmas party on such a bike.

On May 22, 2019, my birthday, I received, at my residence in Saraswat Colony, a bunch of red roses from an unknown sender, and all that was written on the card was “Happy Birthday Pussycat”. I was terrified and realized that Capt Lakra had not quietly disappeared. I called Naushad in a panic asking his advice about this. He suggested I complain to the HR Department. I stayed home all weekend and refused the rostered flight on May 24, 2019.

On Monday, May 27, 2019, I met the HR Department head, Ms. Shalini Vaswani and filed my complaint regarding Capt Lakra and his inappropriate behaviour. She said that she would forward my complaint to the Internal Complaints Committee and that they would look into my complaint and get back to me. I was provided with a copy of my complaint in which I had detailed the above incidents and the continued harassment over the phone. I requested not to be present when Capt Lakra was interviewed as I was scared to come face to face with him. On June 16, 2019 I was called by the ICC and asked if I wished to file a formal complaint against Capt Lakra or did I wish to have an informal investigation

conducted by the ICC. I chose not to file a formal complaint as I was embarrassed and scared.

On July 23, 2019 I was informed that the ICC investigation was complete and that based on all the interviews conducted, the charges of 'sexual harassment at the workplace' filed against Capt Arjun Lakra by me had been found 'not upheld' and that the ICC recommended 'no action' against Capt. Lakra. I was devastated. I appealed to the head of HR again and asked if there was any recourse only to realize that nothing further would be done as Capt Lakra was one of the senior Captains in Bharat Air.

With no option left and a need for the job, I returned to normal active duty and every flight was so grateful not to be rostered with Capt. Lakra. I however made sure that my friends working with me, such as Meenakshi, Lovely and Rosalyn refused to fly with Capt. Lakra. I was once again starting to feel comfortable assuming he had got the message and backed off.

On August 2, 2019 I was scheduled on a flight and the rostered Captain had an emergency so the airline had called Capt. Lakra to step in. Coincidentally, the co-pilot was once again Capt. D'Souza. This was a local flight to Delhi so I did not make a fuss about it as I knew the flight would turn around and be back the same day. Once again I was assigned the cockpit and when I went in to report that all the passengers were on board and we were ready for take-off, Capt Lakra grabbed my skirt as I turned to leave and I lost my footing, landing half on his lap. He pinned me down on his lap and he very menacingly said, " Hey, pussycat, do you know what I can do with insolent pussycats who go and complain to everyone about me?" and pressed my throat very hard. I was terrified; I pulled out of his grasp and ran out of the cockpit. I remained in the rear cabin for the rest of the flight. On landing in Mumbai, I called Naushad and told him I wanted to quit as I was terrified of Capt Lakra and that this nightmare was never going to end. He came and fetched me from the airport and drove me home. I filed my resignation letter on Monday August 5, 2019.

On two nights after my resignation around midnight, when I was sitting on my balcony chatting with Naushad on the phone, I saw a green Kawasaki Ninja Bike slowly drive past my building and the rider looked straight at my balcony. I think it was Capt. Lakra and in a state of panic even remember telling Naushad that he was now stalking me.

On Friday night, August 9, 2019, since I was depressed after resigning from my job at Bharat Air, Naushad suggested we go partying with some of his colony friends. We went off to Kamla Mills in Worli and had dinner and a few drinks. Naushad noticed I was not in a great mood and so sometime around 11.20 pm he asked if I wanted to head home. I said yes. He drove me home in his Honda Jazz and we reached before midnight so we decided to sit and chat in the car for a while. A little after midnight, I was yawning and so I got out of the car at the colony gate and Naushad said he would walk me to the building, as usual. We were calling to the watchman to unlock the gate when suddenly from behind we heard the rev of an engine of a motorbike, I turned to see what the noise was and who would be revving a bike so noisily at that hour when I glimpsed it was a green bike, with two passengers wearing helmets, so I could not see any faces. The pillion rider threw something at us as they rode past and the next thing I knew I was screaming in pain as my back, right shoulder and neck felt like they were on fire. I do not remember anything thereafter as I blacked out from the pain.

When I regained consciousness I was in a hospital bed, completely bandaged up on my right side and in so much pain. Naushad was with me and so were my parents. They told me I had been in an unfortunate accident, but the police were investigating the incident and would be coming to take my statement. It was only when I asked for details of the accident that Naushad told me I had been attacked with a chemical, that was when I remembered the details of the green Kawasaki Ninja bike and its roar, and the horror of what happened. I feel like my life is over.

On August 12, 2019 at about 10.30 am I was visited in the hospital by API Sharma. He recorded my statement. This statement was read over by me and has been correctly recorded.

Sd/-

API Sharma



PW 3 – I.O. (Snr. Police Inspector Vikram Damle): Santacruz Police Station,  
Link Road, Santacruz(W), Mumbai 54

**Statement:** I was at the police station on August 9, 2019 and my shift was coming to an end. I was at my locker getting together my personal things to change and head home. It was probably about 12.20 am. Suddenly there was a lot of commotion in the station and Constable Nidhi called out to me and said she had received a call that there had been an incident at Saraswat Colony involving an attack on a female and I should handle it. I stopped what I was doing, made a call home to my wife to say I was delayed and then headed to Saraswat Colony with two police officers Kadam and Nadkarni, Constable Kamble and a lady constable. We reached the colony at 12.35 am on 10th August, 2019.

When we reached the footpath outside Saraswat Colony there was a small group of people collected on the road side. They were surrounding a female lying on a bench near the entrance to the colony. I cleared the way and asked everyone to stand back so we could assess the situation. A young man introduced himself as Mr. Naushad Marolia and told me his girlfriend, whom he identified as Ms Mallika Chauhan, had been attacked by some men on a green Kawasaki motorbike who threw some liquid at her and then sped away. He said he did not get a chance to see who they were as there were two people wearing helmets. He could not recall the garments they were wearing, nor the registration plate number of the said motorbike.

I asked the lady constable to stay with the victim while I organized an ambulance to immediately transport her to nearby Sarla Hospital for emergency treatment. At this time she was unconscious. I was told Ms. Mallika resided in the colony and I was introduced to her mother and father who were standing beside the victim.

When the ambulance came at 12.40am I supervised the transfer of Ms Mallika to the ambulance. Her parents accompanied her in the ambulance, along with the lady constable. After the ambulance left, I asked Mr. Naushad to tell me what happened. He explained that he and Ms Mallika had been standing outside the Saraswat Colony main gate waiting for the watchman to come and open the locked gate so that he could drop Ms. Mallika to her building, when suddenly from the left side, behind them, they heard the roar of a motorbike and then Ms. Mallika was suddenly screaming in pain saying some liquid had been thrown on her by the bikers and that she was burning up and in immense pain. He said he quickly dialled the police control room number not knowing what else to do. He saw a man walking a dog and asked him for help to carry Ms. Mallika to a nearby bench. Naushad told me that Mallika was being harassed for sexual favours by one Capt. Lakra who was a pilot in Bharat Air and she had even complained to the management against him. He told me that Capt. Lakra had a green Kawasaki motorbike. I asked Constable Kamble to take Mr. Naushad Marolia to the station house to record his complaint.

After they left, I summoned two panchas, we began the spot panchnama at about 1.15 am and after completing the panchnama, I requested the watchman of Saraswat Colony and the resident of Saraswat Colony, who had assisted Naushad to lift Mallika, one Mr. Kumar, to come to the police station on the next day for investigation.

I returned to the Santacruz police station at about 2.30 am. Through Bharat Air, we procured the residential address of Capt. Lakra and was informed that he was residing at Flat # 2104N, Raheja Prananjali Building, N.S. Rd, Ashok Nagar, Juhu. I, accompanied by Inspector Kamble and Inspector Nadkarni, proceeded to the said address.

Upon reaching Raheja Prananjali Building, we inspected the vehicles parked in the compound of the Building and noticed a green Kawasaki Ninja motorbike bearing Registration No. MH-02-AL-6686. I immediately rang the police station and asked API Sharma to check the owner's details through the RTO.

After repeated ringing of the doorbell, the door was finally opened by a man dressed in pyjamas, who identified himself as Capt. Arjun Lakra. I explained to him that we had suspicion to believe that he was involved in an incident at Saraswat Colony a few hours ago and needed to ask him a few questions. He started to shout at me and pushed me, ordering me to leave his home as I had 'invaded' his place of residence in the middle of the night. I informed him that his conduct was suspicious and I would need to take him to the police station for questioning at this time. While we had this interchange a lady came out of what seemed like a bedroom and identified herself as Mrs. Ishika Arjun Lakra, his wife. Capt. yelled at her and ordered her to return to the bedroom and look after their daughter, and that he would handle the situation. I informed the lady that I would be taking her husband to the police station for some routine questioning regarding an incident that had occurred earlier in the night. He asked his wife to call her parents in Colaba and told her to go and stay with them for a few days.

In the presence of the two panchas I then conducted a panchnama of the residence of Capt. Lakra and from one of the shelves in the shower stall area of the bathroom, recovered one glass bottle with some liquid in it bearing a partially damaged label (marked 'Hydroc'). We also seized one pair of trousers of the Capt. Lakra from the floor in the bathroom. These articles were packed and sealed under the panchnama. We then transported Capt. Arjun Lakra in our vehicle to the Santacruz police station.

I then returned to the police station and placed Capt. Arjun Lakra under arrest and produced him before the 40th Court of the Additional Chief Metropolitan Magistrate, Andheri on 11th August, 2019 at 3 p.m. In the course of investigation the statement of the Victim was also recorded. I took charge of the blue coloured shirt which was worn by Ms. Mallika Chauhan on the date of the incident from the Hospital Authorities. All the articles seized/taken charge of were sent to FSL, Mumbai for examination. Subsequently I collected the medical reports of Mallika Chauhan, Chemical Examination Reports from FSL, Mumbai and thereafter filed the chargesheet u/s 326A, 325, 354A & 354D IPC.



EXHIBIT 1:

**SCENE OF OFFENCE PANCHNAMA**

NB. This document alongwith the articles seized under this Panchanama shall be taken as proved by the Prosecution and no articles seized herein will be given to the Participants for the purpose of showing any witness.

Pancha No. 1

Date: 10.Aug.2019

Mr. Santosh Jadhav, age 44 years

Occupation: Nisar Building Watchman

Residing at: Quarter# 2102 Kasubai Niwas Coop Hsg Society, Hawaii Pada, Nalasopara (E), Nala Sopara 401208

Pancha No. 2

Mr. Amit Kulkarni, age 22 years

Occupation: Family business

Residing at: Flat # 10, Saraswat Colony , Potohar Nagar, Santacruz (W), Mumbai 54

We the above-named panchas were called by Inspector Kadam at about 1.15 am on 10.August.2019, to Anusaya Road entrance of the Saraswat Colony opposite the park. He informed us that one lady had been seriously injured in an attack and requested us to act as panchas for the scene of offence. We agreed to act as panchas. When we reached there, Snr. P.I. Damle and P.I. Nadkarni were present along with Lady Police Havaldar 1001.

The said road, Anusaya Road, was approximately 12 feet in width. The road connects Niwas Road and Talmaki Road and runs adjacent to Saraswat Colony Park. It is a one way road. Saraswat Colony Park is located on North-East side of the road while Saraswat Colony is located on the North west side of the road, when standing in the direction of traffic. The park gate was locked as the park was closed at this time. The Saraswat Colony entrance gate was

open, and there was a small Security cabin at the gate with a halogen lamp on the roof of the cabin. The footpath outside the colony was located towards the left of the road. Width of the footpath was 6 feet, at an elevation of 6 inches from the road. The location was lit by street lamps. The road was completely deserted, except for three cars parked outside the colony entrance, one white Hyundai I20 car, one brown Honda Jazz Car and one black Tata safari SUV. There were no traffic lights on this street. There was slight rain at the time of us having assembled there. The entire footpath and road had huge potholes and puddles of water.

PI Damle informed us that a lady by name Ms. Mallika Chauhan, resident of Saraswat Colony, standing outside the main colony entrance, was attacked by throwing of some chemical on her. On the footpath outside the colony gate there was one white purse, with a wallet and diary visible inside, there was a Samsung mobile phone lying near the purse. There were several pieces of brown coloured broken glass pieces lying on the foot path.

The police seized and sealed the ladies mobile phone and the white purse with all its contents in separate plastic bags. The pieces of brown glass were collected in a separate plastic bag which was then placed in a brown envelope. The signatures of both of us panchas were taken on all the items.

The panchnama was conducted in a peaceful manner and it was concluded at about 2.10 a.m. on 10.Aug.2019. Panchnama was written by PI Nadkarni.

We both panchas have read the contents of the panchnama. The same is correctly recorded.

*Signed PI Nadkarni*

*Signed Panch No 1*

*Signed Panch No 2*

EXHIBIT 2:

HOUSE SEARCH PANCHNAMA

NB. This document alongwith the pair of trousers seized under this Panchanama shall be taken as proved by the Prosecution. However, the Prosecution will have to prove the Article seized i.e. Glass Bottle.

Pancha No. 1

Date: 10.Aug.2019

Mr. Ankit Jadhav, age 52 years

Residing at: Flat # 2001N, Raheja Prananjali Building, N.S. Road, Ashok Nagar, Juhu, Mumbai 49

Pancha No. 2

Mr. Santosh Patil, age 45 years

Residing at: Flat # 2101N, Raheja Prananjali Building, N.S. Road, Ashok Nagar, Juhu, Mumbai 49

We the above-named panchas were called by Constable Kamble at 4.00 a.m on 10. Aug.2019 to Flat # 2104N Raheja Prananjali, NS Road, Ashok Nagar, Juhu, Mumbai 49. He informed us that the resident of the said flat Capt. Arjun Lakra is suspected to be involved in an acid attack on a woman, and that they needed to conduct a search of his residence. They requested us to act as panchas of the scene of offence. We agreed to act as panchas. When we reached there, P.I. Nadkarni and P.I. Kadam were present along with Investigating Officer Snr. P.I. Damle. The officers introduced us to one man Capt. Arjun Lakra and his wife Mrs. Ishika Arjun Lakra.

The said Flat No 2104N is a 2 bedroom flat. As we entered the flat there is a hall measuring 20 ft X 15 ft. and towards the south west corner of this hall, on the right hand side is a large kitchen. The hall area of the flat seems untouched, with everything in place. On the same right hand side but towards the northwest direction is one bedroom. The bedroom appears to belong to

Mr. & Mrs. Arjun Lakra and a little girl who we were informed is their daughter Nalini was sleeping on the bed . The bedroom has an attached bathroom. There is a second bedroom, smaller in size, towards the south west direction. This room appears to belong to a child, possibly Ms. Nalini Lakra, 7 year old daughter of accused Mr. Arjun Lakra.

On entering the 12 ft X 12 ft bedroom, there is a large desk and chair along the north wall. The desk is covered in books and a computer, and some other electronic devices. On the desk is an employee ID card for Bharat Air, belonging to one Arjun Harish Lakra and some keys, cigarette packet and loose change. Above the desk is a book shelf on which is lying a music system and 4 nos external hard drives. Near the desk is a small travel bag.

On the southern wall is a single large king size bed, to the left of the bed is a rocking chair and on the right side a small bedside table. On the rocking chair are draped some ladies garments, and a pair of black ladies shoes lying under the chair. On the bedside table is a homeopathic bottle of medicines, crocin tablets and a bottle of drinking water and a glass.

In the attached bathroom, a pair of beige trousers and a checked green shirt was lying in the laundry bag. From the beige trousers right hand pocket, cigarette lighter and a set of keys were found with 'Kawasaki' embossed on it. The beige trousers having a small burn mark on the left leg was packed, labelled, signed by us panchas and PI Nadkarni and sealed with the seal of Santacruz Police Station. The same was also seized.

On the shelves in the shower stall area of the bathroom, one glass bottle was found, bearing a partially damaged label (marked 'Hydroc') with some liquid remaining in it. This bottle was seized by PI Nadkarni, packed in paper, put in an envelope and a label with our signatures and PI Nadkarni's signature was affixed on it was pasted thereon and thereafter sealed with the seal of Santacruz Police Station.

Except for the bottle and the pair of trousers nothing else was seized by the police in our presence.

The panchnama was conducted in a peaceful manner and it was concluded at about 4.50 a.m. on 10. August 2019. The Panchnama was written by PI Nadkarni. Both of us panchas have read the contents of the panchnama. The same is correctly recorded.

*Signed PI Nadkarni      Signed Panch No 1      Signed Panch No 2*



**EXHIBIT 3:**

**MEDICOLEGAL INJURY CERTIFICATE**

EPR No: 202

Date: 10.Aug.2019

Time: 1.00 am

Brought by P.C. No WPC 445, Santacruz (W) Police station

C.M.O. on Duty: Dr Nandkumar

NAME: Mallika Vinod Chauhan

AGE: 27 years

SEX: Female

**ON GENERAL PHYSICAL EXAMINATION (GPE):**

Gait –patient unconscious

Speech – patient unconscious

Pupils – dilated and reactive

Pulse – 86 / minute

B.P. 80/55 mm Hg

IDENTIFICATION MARKS: nose piercing in left nostril

TYPE OF INJURIES: Partial disfiguration of back, right shoulder and neck due to burn injuries.

The back, right side of the neck and upper right arm region show ulcerated patches and discolouration of skin (whitish, blistering and frothy). Head hair partially soaked, acidic to touch.

Patients partially damaged garment (blue shirt) cut away from the body and dried and packaged for forensic analysis. Garment labelled Exhibit 1.

OPINION: In my opinion, patient is suffering from corrosive chemical burns, possibly acidic in nature

REMARKS: Patient admitted to Burn Ward for treatment and monitoring due to severity in nature.

*Signed: Dr. Ashwini Lad*

*C.M.O. Sarla Hospital, Mumbai*

EXHIBIT NO. 4

CHEMICAL EXAMINATION REPORT

FSL case No: C-117/19

Date: 16.August.2019

Total No. of pages: One

To: The Senior Police Inspector  
Santacruz (W) Police Station  
Mumbai

- |                                    |                              |
|------------------------------------|------------------------------|
| 1. Ref No: 1453/19                 | Date: 12.Aug.2019            |
| 2. No. of exhibits received: One   | P.S. : Santacruz (W)         |
| 3. C.R. No: 396/2019               | U/s: IPC 326A, 354A, 354D    |
| 4. Mode of Receipt: by P.C. No 030 | Date of Receipt: 12.Aug.2019 |

5. Condition of parcel(s) / seal(s): *One parcel, seals intact as per copy sent*
6. Description of article(s) contained in the parcel(s): *Stained damaged female blue colour shirt, labelled EPR 202, OPD F/1453 of Ms. Mallika Chauhan (Marked Exhibit 1)*

7. **Results of Analysis:** *Exhibit contains corrosive acidic chemical, which could not be further identified due to malfunctioning of laboratory equipment. Suggested the Exhibit be sent to another State Laboratory for proper identification of acid, if required.*

8. Analysis started on: 13.Aug.2019

9. Analysis completed on: 14.Aug.2019

10. Analysed by: Sd./ (B.B. Bhulewager)

Assistant Chemical Analyser in Government  
Forensic Science Laboratories, Mumbai

EXHIBIT NO. 5

CHEMICAL EXAMINATION REPORT

FSL case No: C-118/19

Date: 12.August.2019

Total no. of pages: One

To: The Senior Police Inspector  
Santacruz (W) Police Station  
Mumbai

1. Ref No: 1453/19
2. No. of exhibits received: One
3. C.R. No: 396/2019
4. Mode of Receipt: by P.C. No 030
5. Condition of parcel(s) / seal(s): One parcel, seals intact as per copy sent
6. Description of article(s) contained in the parcel(s): Broken glass pieces (3 nos) brown in colour, collected from footpath outside Saraswat Colony, Santacruz(W) labelled CR396/2019-Exhibit (1)
7. **Results of Analysis:** Exhibit contains white powdery chemical residues of corrosive acid
8. Analysis started on: 12.Aug.2019
9. Analysis completed on: 12.Aug.2019
10. Analysed by: Sd./ (B.B. Bhulewager)  
Assistant Chemical Analyser in Government  
Forensic Science Laboratories, Mumbai

EXHIBIT NO. 6

CHEMICAL EXAMINATION REPORT

FSL case No: C-119/19

Date: 12.August.2019

Total no. of pages: One

To: The Senior Police Inspector  
Santacruz (W) Police Station  
Mumbai

- |                                    |                              |
|------------------------------------|------------------------------|
| 1. Ref No: 1453/19                 | Date: 10.Aug.2019            |
| 2. No. of exhibits received: One   | P.S. : Santacruz (W)         |
| 3. C.R. No: 396/2019               | U/s: IPC 326A, 354A, 354D    |
| 4. Mode of Receipt: by P.C. No 030 | Date of Receipt: 10.Aug.2019 |

6. Condition of parcel(s) / seal(s): One parcel, seals intact as per copy sent
7. Description of article(s) contained in the parcel(s): Glass bottle with torn label bearing name 'Hydroc', collected from bathroom at residence of Arjun Harish Lakra, labelled CR396/2019-Exhibit (2)

8. **Results of Analysis:** Exhibit contains corrosive acidic chemical identified as strong concentrated hydrochloric acid

9. Analysis started on: 12.Aug.2019

10. Analysis completed on: 12.Aug.2019

11. Analysed by: Sd./ (B.B. Bhulewager)  
Assistant Chemical Analyser in Government  
Forensic Science Laboratories, Mumbai

EXHIBIT NO. 7

CHEMICAL EXAMINATION REPORT

FSL case No: C-120/19

Date: 12.August.2019

Total no. of pages: One

To: The Senior Police Inspector  
Santacruz (W) Police Station  
Mumbai

1. Ref No: 1453/19 Date: 10.Aug.2019
2. No. of exhibits received: One P.S. : Santacruz (W)
3. C.R. No: 396/2019 U/s: IPC 326A, 354A, 354D
4. Mode of Receipt: by P.C. No 030 Date of Receipt: 10.Aug.2019
5. Condition of parcel(s) / seal(s): One parcel, seals intact as per copy sent
6. Description of article(s) contained in the parcel(s): Beige trouser of Arjun Harish Lakra, recovered from the bathroom of residence of Arjun Harish Lakra, showing multiple one millimetre holes on the left upper thigh region. Exhibit labelled CR396/2019-Exhibit (3)
7. **Results of Analysis:** Exhibit contains multiple minute holes showing burns in fabric.
8. Analysis started on: 12.Aug.2019
9. Analysis completed on: 12.Aug.2019
10. Analysed by: Sd./ (B.B. Bhulewager)  
Assistant Chemical Analyser in Government  
Forensic Science Laboratories, Mumbai

DW 1 - Capt. Arjun Harish Lakra

Age: 39 years

Occupation: Airline Pilot, Bharat Air

Address: Flat # 2104N, Raheja Prananjali Building, N.S. Road, Ashok Nagar, Juhu, Mumbai 49

**Statement:** I have been working with Bharat Air for the past 15 years. I received my training 17 years ago and worked briefly with Star Airlines, after which I got a great job with Bharat Air and joined them. The international flights and long layovers became a bonus in the last two years, when Bharat Air started their international destinations. When we were on the ground, halting before a return flight it was customary for the crew to hang out together.

At the airline Christmas party last year I met the new flight attendant Mallika Chauhan. I heard stories about how good she was at her job and how she rose in the airline very quickly, so I had a brief conversation with her regarding her experience. At that time she told me that she had a steady boyfriend. When I was leaving the party at about 2.00 a.m. that night, Mallika came up to me and asked if I would like to join her at Blueberry Ghetto (Discotheque) where she was heading with her few friends for some fun. I was taken aback as I had only just met her for the first time on that day, so I politely refused. I found her to be inebriated and she kept giving me her hand and attempted to hug me on the pretext of wishing me Merry Christmas and good night.

We coincidentally had occasion to meet a few weeks later on a flight when she was part of my crew travelling on Mumbai-Dubai sector. I shared some few words with her on that flight as she was put in charge of the cockpit. I and my co-pilot Capt. Alfred found that Mallika who was on cockpit duties was visiting the cockpit a bit too often without any reason. I politely told her that this was distracting us when she turned around and suggestively said "don't you enjoy this distraction?". After she left the cockpit, Capt. Alfred told me that there were stories that this is the 'conduct' by which she has risen this fast in the Airlines. Once we landed in

Dubai, Alfred my co-pilot was ragging me during the entire lay-over because Mallika kept flirting with me. Therefore, once in front of Capt. Alfred, I told her that I was a happily married man, with a beautiful 7 year old daughter, Nalini, and I was not interested in her. The first evening our entire crew was in the bar together and we all had a good time. Past midnight, after I reached my room, I kept getting 4-5 calls on my room telephone but every time there would be no response from the other end. The last time I infact told the caller that I would be complaining to the Reception and have the call traced. In about 5 minutes my room doorbell rang and I found Mallika dressed in her sleep clothes outside my door and before I could react, she had entered my room. I was shocked and told her that this was most unprofessional. She told me that she was attracted to me and that I should schedule her on international flights whenever I was rostered. I told her that rostering was not in my hands, I was not interested in her as I was happily married and if she should ever repeat such behaviour I would report her to the management. Even after hearing this she persisted and said that relationships whilst on duty was airline culture and even she was in a 4 year relationship which did not stop her from having a good time on layovers. When she dropped down on my bed, I lost my head and pulled her hand and dragged her to the door and pushed her out of the room. When I was about to slam the door on her face, she told me nobody would believe me and the law is on her side. The next day, she reported sick and did not fly back to Mumbai with us. After this incident, I had no occasion to meet Mallika.

In June this year, I received a letter from Mrs. Bedi, the Head of HR Department asking me to come in and meet her. When I attended her office I was shown a letter written by Mallika Chauhan that accused me of 'sexual harassment at the workplace'. I denied the accusation vehemently and Mrs. Bedi asked me to give my say in writing as there would be an inquiry under the Sexual Harrasment of Women at Workplace Act, 2013. I had discussed the entire incident that occurred at Dubai in January with my wife Ishika also and regretted having followed her advice and not complained about the Dubai incident to the management.

After an in depth inquiry, I was exonerated of the charges of sexual harassment levelled against me by Mallika. I am producing the Report dated 23.July.2019 of

the Internal Complaints Committee constituted by Bharat Air in response to the Complaint made by Mallika against him. I request that the same be exhibited and marked in evidence.

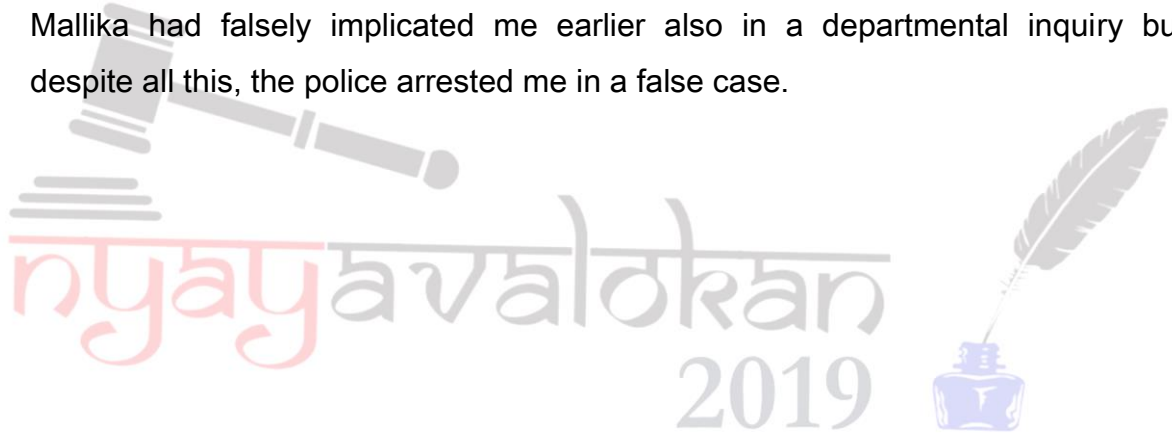
I then, unfortunately, had occasion to meet Mallika Chauhan on a Mumbai-Delhi flight again in early August but avoided all contact with her, since I had no idea what was going through her mind and did not want to give her any cause to fabricate accusations against me. Coincidentally Alfred was my co-pilot once again. I refused to talk to Mallika during the flight, even when she addressed routine questions to me in front of other crew members. During this flight she was again on cockpit duty. When she came to ask our meal preference, there was sudden turbulence and taking advantage of the situation she fell into my lap. My instant reaction was to push her off my lap and I severely reprimanded her for her atrocious behaviour and told her not to enter the cockpit again and send the meal through another crew member. She started sobbing and I told Capt. Alfred that this time I would lose no opportunity to report every such unprofessional conduct of hers to the management instantly. A few days later, I came to know from Capt. Subramaniam that Mallika had resigned from the Airline. I was really relieved.

On 09.August.2019, I was on a flight back from Chennai. I had contracted a viral fever in Chennai and when we landed at 9 pm, as I was feeling so unwell I asked Alfred to give me a ride home, because he too lives in Juhu. I reached home at around 10 pm. Ishika, my wife, was all set to go out for my sister-in-law's 30<sup>th</sup> birthday party. However, I was feeling very feverish, so I asked her to go ahead without me and that if I felt better after a nap, I would join her around midnight to bring in the birthday. She agreed and left home at about 10.30 pm. After that I was lying down watching TV with Nalini and dozed off.

I do not recall when my wife returned home, nor did I hear her repeated phone calls. I remember waking up to the sound of a doorbell ringing sometime in the middle of the night and seeing Ishika and Nalini asleep next to me. I tried to ignore the noise thinking it was from the neighbours flat. The ringing continued and finally there was banging on the door which is when I realized the noise was

coming from my own home. I got up and opened the door to find policemen standing there. I was shocked and disturbed. The Inspector introduced himself and said there had been an incident in Santacruz with Mallika Chauhan and he wanted to question me about it. I remember being very upset, disoriented and angry and yelling at the policeman. Then I gathered myself and when Ishika came out to see what the commotion was about I asked her to pack up and go to her parent's house with our daughter because the police were taking me to the police station and I did not want her at home alone. She was scared and crying. I calmed her, changed and left with the police.

At the Police Station, I learnt Mallika Chauhan was a victim of an acid attack and that I was being blamed for the same. I at the first instance told the police how Mallika had falsely implicated me earlier also in a departmental inquiry but despite all this, the police arrested me in a false case.



## DW 2 - Capt. Alfred D'Souza

Age: 25 years

Occupation: Airline Pilot, Bharat Air

Address: Flat # 21, Shubham Apartments, Juhu-Tara Road Juhu, Mumbai 49

**Statement:** I have been a pilot for Bharat Air, for the last 3 years, since I graduated flying school. It has been a great place to work.

I know Capt. Arjun Lakra well as I have flown with him several times in the last 10 months. It was very strange and unfortunate how he, of all people, was accused by that girl Mallika Chauhan about sexual harassment. This complaint was so wrong and uncalled for. I say this because when Capt. Lakra was facing the departmental inquiry, all us pilots had discussed this amongst ourselves. During one such discussion Capt. Keki Driver, a very senior Commander in the Airline told me that Mallika had tried the very same stunt of dropping in his bed during their lay over in Paris, in order to win favour and get more international flights. Capt. Driver had also threatened to call the Hotel Security if she did not leave the room immediately. Capt. Driver told me that thereafter he had himself sternly instructed the Operations Department never to roster him with this lady. He also mentioned that Capt. Lakra ought to have done the same thing. Before I could share this with Capt. Lakra, to our misfortune Capt. Lakra stepped in as the substitute pilot on the Mumbai-Delhi flight where she was rostered as the Crew in-charge of the cockpit.

During that flight, I noticed that Capt. Lakra was extremely curt with Mallika Chauhan and avoided all contact with her. However, when Mallika came to ask our meal preference, due to sudden turbulence in weather she fell into the lap of Capt. Lakra. Capt. Lakra immediately pushed her off his lap and we both sternly told her not to try her gimmicks atleast in the cockpit. We both found it difficult to believe that she had lost her balance due to air turbulence and told her that if she could not maintain her balance with a little turbulence, she should quit her job.

She started crying and left the cockpit. A few days later, I came to know that Mallika had resigned from the Airline.

On 09.Aug.2019, we were on a flight together – it was one of those Mumbai-Chennai-Mumbai turn around flights and when Capt. Lakra checked in for the flight. When we got on-board to return to Mumbai, Capt Lakra told me that he was unwell. When we landed he asked me to give him a ride home, which I did, in an Uber. He told me on the ride home that Ishika was going to be mad at him because he would be ditching her for a birthday party tonight. I must have dropped him off at about 10pm. Thereafter I did not hear from him and assumed he was asleep.

Next day I was informed by a colleague that Capt. Lakra had been arrested for an acid attack on Mallika.



### DW 3 - Mrs. Ishika Arjun Lakra

Age: 35 years

Occupation: Housewife

Address: Flat # 2104N, Raheja Prananjali Building, N.S. Road, Ashok Nagar, Juhu, Mumbai 49

**Statement:** I have been married to Arjun for the past 12 years. We were college sweethearts. I supported him through his airline career and although it keeps him away from me and Nalini a lot, I know how much he loves it.

Earlier this summer, after he returned from his Dubai flight, he told me that one of the stewardesses, by name Mallika was pestering him to roster her with him on international flights and for that purpose was offering sexual favours and had thrown herself at him in Dubai during their layover. He was very angry and wanted to complain to the management but I told him that since she was very young and just starting her career, such a complaint would affect her career immensely.

Shortly thereafter I was shocked when my husband was served with an inquiry notice by the HR department of Bharat Air to answer charges of sexual harassment at workplace for molesting and stalking Mallika. Luckily he was exonerated of all these charges as Mallika could not substantiate most of the allegations. I told him to avoid flying with Mallika. During the time of the inquiry, my husband was extremely stressed, mentally disturbed and avoided going to social functions as we were constantly questioned about the complaint. My husband told me and his reputation and unblemished career record were at stake for no fault of his. Until he was exonerated, no female crew members were assigned for cockpit duty.

On 09.August.2019, Arjun was rostered to take one of those turn-around flights to Chennai. He left on 09.August.2019 morning, around 9 am after Nalini left for

school, when I reminded him of my sister Nimmi's 30<sup>th</sup> birthday party the same evening. He told me he was looking forward to having a good time that night.

I spoke with him after he landed in Chennai and he said he had a severe body ache but would take some medicine and fly back, as he just wanted to get home.

I spoke with him again sometime after 9 pm when he landed and he said he was feeling very unwell and just wanted to come home and sleep. He said he had asked Alfred to give him a lift home.

Knowing Arjun was not going to come with me to Nimmi's party, I started to get dressed when he arrived home by about 10 pm. I gave him a cup of soup and then finished getting ready and left at about 10.30pm. He was tucked up in our bed, with Nalini and they both were watching a cartoon on TV. Since Arjun was unwell, I did not stay too long, and after bringing in my sisters birthday, I left the Four Seasons hotel at about 12.25 am and was home by about 1 am. When I got home Arjun and Nalini were sleeping peacefully in our bed. I was glad I chose not to call and check on him so that I did not disturb him. I too changed into my nightclothes and fell asleep next to them.

Sometime, later I heard banging sounds followed by shouting in my living room. I noticed Arjun was not in bed and wondered what happened. When I ran out into the living room I found police officers in my house talking to Arjun. The officer told me he was going to take Arjun into the police station for questioning. I was terrified. Arjun was yelling at the police officer and I started crying. Arjun told me to go back to the room and look after our daughter while he handled the situation. Before leaving our house, the police officers conducted a search of the whole house and seized only one pair of beige trousers belonging to my husband.

As he left he told me to call my Dad in Colaba and ask him to come and fetch me and Nalini. After dropping Nalini to my parents' house I rushed back with my father to Santacruz Police Station and after waiting for several hours, was informed by the Police that Arjun has been arrested in an acid attack case and the bottle of acid used in the attack was found in my bathroom. I categorically state that no bottle of acid was found in my bathroom.

## INTERNAL COMPLAINTS COMMITTEE REPORT

(To be proved by the Defence)

### Committee Members:

**Jharna Somani(Chairperson)**

**Kamini Zaveri (Member)**

**Zarius Damania (Member)**

**Manisha Singh (Member- Streemitra NGO)**

A complaint letter dated 27<sup>th</sup> May, 2019 (“**said Complaint**”) has been received by Ms. Shalini Vaswani, the HR Department Head of Bharat Air, Sankalp Building, 4<sup>th</sup> Floor, Sahar Airport Road, Andheri (E), Mumbai, from one Ms. Mallika Chauhan, Crew Member of Bharat Air alleging offences of stalking, sexual harassment, sexually coloured remarks and inappropriate behaviour at workplace by Capt. Arjun Harish Lakra, and requesting that her complaint be placed before the Internal Complaints Committee for appropriate action.

The said Complaint was placed in the hands of this Committee by the HR Department for further action. Thereupon, on 4<sup>th</sup> June, 2019, this Committee held a preliminary interview of the Complainant Ms. Mallika Chauhan wherein she recited the below mentioned incidents in support of her Complaint against Capt. Arjun Lakra.

**21<sup>st</sup> December 2018:** At the annual office Christmas party she was introduced to Capt Arjun Lakra. According to her, All through the party her girlfriends noticed Capt. Lakra staring at her and she felt embarrassed and uncomfortable. At 2 am when she was leaving the party with her girl friends, Capt. Lakra was also leaving and offered her a ride home on his bike, which she politely refused.

**14<sup>th</sup> January 2019:** She was rostered on a Mumbai-Dubai flight with Capt. Arjun Lakra. Since she was the senior-most attendant on flight, she was required to attend to the cockpit and when she went to the cockpit to ask the Captains for their meal preference, Capt. Lakra suggestively said that whatever she fed him would be the “sweetest meat of all”, which made her uncomfortable and she was embarrassed, and decided not to return to the cockpit. She requested her colleague Meenakshi to attend the cockpit for the tray service. Some time later, the cockpit call button rang repeatedly and Meenakshi said the Capt. Lakra insisted that she attend the cockpit, because that was the protocol. Capt. Lakra put his hand over hers as she bent down to pick up his tray and said “what’s the matter proud pussycat, why are your eyes hissing at me and your body hair standing on end?” She

requested him not to make personal comments or touch her, to which he replied “This is the airline business baby, anything and everrrreeeything goes”, and then both men started laughing. When they landed in Dubai, Capt. Lakra paused near her on his way out, brushed his hand against her thigh and whispered “bye bye my pretty little pussycat, see you at the hotel.....” and winked suggestively. She was humiliated and terrified by his tone and suggestive statement. Throughout the Dubai lay-over she avoided contact with him and stayed close to the girls most of the time because she was not feeling very safe and also developed stress headaches. She called Operations in Mumbai and requested a couple of days extra lay-over as she was ‘unwell’ just so that she could return on a separate flight. They granted permission and so she took the return flight on 18<sup>th</sup> January 2019.

**Period of January 2019 – April 2019:** She kept receiving blank calls or calls where the caller was making purring sounds like ‘meow’ on the phone. These calls were received on her mobile phone number. In exasperation, she downloaded an app that was able to identify the number as that belonging to one 'Harish Lakra' and therefore she stopped responding to these calls. Thereafter she received multiple inappropriate and suggestive smses on her phone. She showed them to her boyfriend who deleted them in a rage, so she does not have any evidence of these smses on her phone. The calls and smses stopped sometime in April 2019.

**22<sup>nd</sup> May 2019:** It was her birthday, when she received a bunch of red roses with the message ‘Happy Birthday Pussycat’. This was sent from an ‘unknown’ person and delivered to her house. The florist delivery boy said he had no idea who the sender was. She called her boyfriend and they went to the florist, who said a gentleman had placed the order the day before and had paid Rs. 500 extra for anonymous urgent delivery. When she asked the lady to describe the man, she gave a description which matched that of Capt. Arjun Lakra.

Thereafter, feeling threatened and apprehending that Capt. Lakra would not stop at verbal suggestions only, she filed this Complaint.

Apart from herself, Ms. Mallika Chauhan did not choose to examine any other witness nor did she produce any documentary evidence before this Committee in support of her allegations.

Thereafter, on 7<sup>th</sup> June, 2019 the Committee addressed a Letter to Capt. Arjun Lakra requesting him to remain present on 18<sup>th</sup> June, 2019. However, as Capt. Arjun Lakra was on flight he sent his leave of absence note and this Committee rescheduled his hearing to 25<sup>th</sup> June, 2019.

On 25<sup>th</sup> June, 2019 Capt. Arjun Lakra appeared before this Committee and the below mentioned incidents were cited by him in support of his stand:

**21<sup>st</sup> December 2018:** He met Mallika at the Airline Christmas party. He had heard stories about how good she was at her job and so was pleased to meet her. They had a brief conversation, during which she told him that she had a boyfriend. After that conversation they did not interact at the party at all. At 2.00 am when he was leaving the party she came up to him and invited him to join her at Blueberry Ghetto discotheque. He was taken aback because they had just met that evening. He politely refused the invitation. At this point she kept trying to grab his hand and hug him. She seemed inebriated.

**14<sup>th</sup> January 2019:** The next time they met was because they were rostered on the same Mumbai-Dubai flight. She was put in charge of the cockpit. He shared very few words with her, but she kept coming into the cockpit on some pretext or another, rather too frequently. He politely told her that this was distracting them when she turned around and suggestively said “don’t you enjoy this distraction?”. Once they landed in Dubai in the early hours of 15<sup>th</sup> January, she kept flirting with him so finally he told her, in front of Capt Alfred D’Souza, that he was a happily married man and was not interested in her. They had a 2 day lay-over in Dubai.

**15<sup>th</sup> January 2019:** He relaxed all day as he had been awake and on duty all night. In the evening, after drinks and dinner with all the crew, he returned to his hotel room well past midnight. He was kept awake because he kept getting blank calls on the room telephone. He threatened the caller that he would report them to reception. His doorbell rang 5 minutes later and thinking it was the hotel staff, he opened the door. It was Mallika dressed in her sleep clothes outside his door and before he could react, she had entered the room. He was shocked and told her that this was most unprofessional and such behaviour would be reported to the management. Even after hearing this she persisted and said that forming relationships whilst on duty was a part of airline culture. When she dropped down on the bed, he became angry and pulled her hand and dragged her to the door and pushed her out of the room. When he was about to slam the door on her face, she told him nobody would believe him and the law is on her side. The next day, she reported sick and did not fly back to Mumbai with them. After this incident, he had no occasion to meet Mallika.

On 27<sup>th</sup> June, 2019, Capt. Arjun Lakra presented his second witness, Capt. Alfred D’souza who also through his evidence substantiated the stand of Capt. Lakra, as under:

**14<sup>th</sup> January 2019:** He was rostered as Capt. Arjun Lakra’s co-pilot on the Mumbai – Dubai sector on 14<sup>th</sup> January 2019. This flight, an attendant whom he had only heard of, but never met, Mallika Chauhan, was put in charge of the cockpit. She seemed to be enamoured by Capt. Lakra and kept coming into the cockpit unnecessarily. The next time she entered to clear their food trays, Capt. Lakra politely told her that this continuous disturbance on one pretext or another was distracting us. She turned around and suggestively said something about how they should enjoy the distraction. Even once they landed in Dubai, she kept trying to come up to Capt. Lakra and flirt with him. He started to rag Capt. Lakra about his fan following but he did not react well. Capt. Lakra even bluntly told her, in front of him, that he was happily married with a 7 year old kid.

**17<sup>th</sup> January, 2019:** He noticed that she did not report to duty on 17<sup>th</sup> January 2019 and when he asked Capt. Lakra about it, he was told that she had reported sick and was taking another flight back home. He thought nothing further of this situation until he was called before this committee.

He has had occasion to fly with Capt. Arjun Lakra very often over the last 10 months. He further stated that during a discussion with Capt. Keki Driver, a very senior Commander in the Airline told him that Mallika had tried the very same stunt of dropping in his bed during their lay over in Paris, in order to win favour and get more international flights. Capt. Driver told him that thereafter he had himself sternly instructed the Operations Department never to roster him with this lady.

This Committee has given its anxious consideration to the serious charges levelled against Capt. Arjun Lakra by Ms. Mallika Chauhan and records its findings as under:

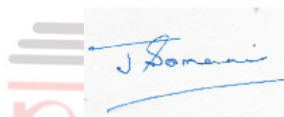
- i. The Allegations made by Ms. Mallika Chauhan though being serious in nature were not supported by any documentary or oral evidence of any other person;
- ii. The narration of events as they occur as deposed by Ms. Mallika Chauhan are totally contrary to the events as they occurred as deposed by Capt. Arjun Lakra and witnessed by Capt. Alfred D'souza and therefore it was imperative for the Complainant to have substantiated her allegations either through call records or messages received or videos or recorded conversations, all of which are absent and therefore totally unsubstantiated;
- iii. Although, Ms. Mallika Chauhan has stated that she had informed her close friends Meenakshi, Lovely and Rosalyn, all working in Bharat Air not to fly with Capt. Arjun Lakra, they have not come forward to depose in her favour;
- iv. No such allegations have been made by other crew member against Capt. Arjun Lakra in the past and he has an unblemished record.

In view of the above reasons recorded by us, we hold that the charges levelled by Ms. Mallika Chauhan against Capt. Arjun Lakra are not proved and hence he is exonerated of the same.

For and on behalf of the Internal

Dated: 23.07.2019

Complaints Committee, Bharat Air.



(Jharna Somani)

Chairperson

Designation:

General Manager, Bharat Air

The above trial problem is drafted with the support of Rati Amrolia, Yasmin Katpitia & Ankeeta Appanna of KRY Legal.