

The Indian Penal Code 1860

Section 375 - RAPE A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman

SCR) 377. There is no need for corroboration by independent testimony connecting the accused with the crime. It depends on peculiar facts and circumstances of each case. The Supreme Court observed-- "when no woman of honour will accuse another of rape since she sacrifices thereby what is dearest to herwhen a woman is ravished what is inflicted is not merely physical injury but the deep sense of some deathless shame.....Judicial response to human rights cannot be blunted by legal bigotry--Rafique, 1980 Cri.LJ 1344 (SC). "In the Indian setting refusal to act on the testimony of the victim of sexual assault in the absence of corroboration as a rule in adding insult to injury.....There is built in assurance that the charge is genuine rather than fabricated.....The victim of sex offence is entitled to great weight absence of corroboration notwithstanding--Bharwada Bhajanbhai Hirjibhai, 1983 Cri.LJ 1096 (SC). In custodial rape it is utmost difficult to get any other independent evidence to corroborate the testimony of the prosecutrix. When a person in custody commits of such a serious crime of rape on a young girl, there is no room for sympathy or pity. The punishment must in such cases be exemplary. Sentence of 5 years rigorous imprisonment and fine of Rs. 1000 was held to be proper--State of Maharashtra v. C.K.Jain AIR 1990 SC 658. Corroboration of the testimony of victim is not a pre-condition. Refusal to act on the testimony of the victim in the absence of corroboration is adding insult to injury.--Jai Chand v. State 1996 (36) DRJ 424: 1996(3) Crimes 160. The prosecution is required to establish two things to bring the guilt home--firstly, that rape had been committed on prosecutrix and secondly, it was the accused who committed rape on her.--Jagdish Maur v. State 1986 (10) DRJ 44 For the purpose of determining the age of the prosecutrix when there is doubtful oral evidence and suspicious evidence in the shape of a school leaving certificate the court should give all importance to the opinion of the radiologist regarding the age of the prosecutrix i.e. on the basis of ossification test.--Kanchan Dass v. State 1990(18) DRJ 99: 1991 Cri. LJ 2036; Man Singh v. State 1992(23) DRJ 80: 1992(48) DLT 13