

**In Re Babi and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/809825](http://sooperkanoon.com/809825)

**Court :** Chennai

**Decided On :** Feb-09-1971

**Reported in :** 1971CriLJ1488

**Judge :** K.N. Mudaliyar, J.

**Appellant :** In Re Babi and ors.

**Judgement :**

ORDER

**K.N. Mudaliyar, J.**

1. The accusation has been summarised as follows for which the answer given by the petitioner is this:

The Deputy Superintendent of Police, Tindivanam, has laid a charge-sheet against you for an offence Under Section 8 (a) of the Suppression of Immoral Traffic in Women and Girls Act, alleging that on 25-3-1969 between 2-15 and 3 p. m. when A. K. Thagapillai Buildings at Kallakuruchi was searched by him you and two others were found in the A, K. T. Building and wilfully exposing your person indecently and making gestures and soliciting the public for prostitution. Do you plead guilty or not?

It is true Guilty.

The text of Section 8 (a) contains words of vital importance, namely 'in any public place or within sight of'; in other words, the woman, who makes a wilful exposure of her person either by words or by gestures, must have been situated either in any public place or within sight of and in such manner as to be seen or heard from any public place. These ingredients are absent in the body of the accusation for which the petitioners have pleaded guilty. In view of this grave illegality I consider that, in the interests of justice, the petitioners, though they pleaded guilty, are entitled to the benefit of doubt. I have not accepted their plea of guilty in view of the grave defect in the substance of the accusation put to the petitioners.

2. The revision cases are allowed and the petitioners are acquitted.

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