In the Penal Laws of all countries, sexual offences against women occupy a significant place and out of all the crimes, the one which shocks the conscience shakes its roots, and is the most heinous, is the Rape. The only crime where, instead of being sympathized with, a victim is socially ostracized and morally degraded with a lifelong stigma on her dignity. The mental torture is deep and the agony unbearable. In such a state, the victim tries to get justice by appealing to the courts, holding the provisions of the penal laws to her heart, and hoping against the hope that justice will be render to her.

The statistics are shocking. According to National Crime Report almost 75% of rapists are married men who have sex regularly at home, 86% women do not feel safe in cities, 3 out of every 10 rapists are either friends or relatives of victims. According to WHO, every 54 minutes a women is raped in India.

**Rape (section 375-377)**

Sexual offences: as per section 375 to 377 of IPC talks about sexual offences as per section 375 defined as Rape, this term is derived from the Laitn term rapio, which means to seize. Thus rape literally means a forcible seizure and that is essential characteristics of offence. We can also say that  intercourse with a women without her consent.

As per ***section 375*** : following ***essentials ingredients* should be present**

* There must be sexual intercourse with a woman by a man;
* Such a sexual intercourse should be under any of the following circumstances:
* Against her will;
* Without her consent;
* With consent obtained under fear of death or hurt;
* With consent given under misconception of fact that the man is her husband;
* Consent given by reason of unsoundness of mind, intoxication or under influence of any stupefying or unwholesome substance;
* With women under 16 years of age, with or without consent.

**Punishment for Rape:**

**Section 376. Punishment for rape**.—(1) Whoever commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.

 (2) Whoever: (a) being a police officer commits rape-

* Within the limits of the police station to which he is appointed; or
* In the premises of any station house whether or not situated in the police station to which he is appointed; or
* On a woman is his custody or in the custody of a police officer subordinate to him; or

 (b) Being a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him; or

 (c) Being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a woman’s or children’s institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution; or

(d) Being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital; or

(e) Commits rape on a woman knowing her to be pregnant; or

(f) Commits rape when she is under twelve years of age; or

(g) Commits gang rape,

Shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than ten years.

Corroboration of testimony; The SC in Rameshwar v. State of Rajasthan held that a women who has been raped is not an accomplice. If she was ravished she is the victim of rape; and if she has consented, there is no rape. The true rule of prudence requires that in every case, the advisability of corroboration should be presented in the mind of judge and that must be indicated in the judgement.

Custodial Rape; The Criminal Law (Amendment) Act 1983 introduced new sections in the IPC, namely, S. 376-B to 376-D to stop sexual abuse of women in custody, care and control by various category of persons. Hence for combating the evils of custodial rape, rape on pregnant woman, girls under 12 and gang rape, a minimum punishment of 10 years imprisonment has been prescribed that is enhance to 20 years imprisonment by the Criminal Law (Amendment) Ordinance 2018.

Marital Rape; in the Exception to 375 IPC sexual intercourse by a man with his own wife, the wife not being under 15 years of age, is not rape. However this concept has undergone a change, and marital rape is now an offence in India. Gujarat HC observed the “destructive attitude” that promotes rape in a marriage can be removed only by making marital rape illegal. And held that marital rape is not a husband’s privilege but a violent act and must be criminalized.

In-camera trials; as per 327(2) of the CPC, 1973, inquiry into and trial of a rape case by a court shall be conducted in-camera. Further sec. 327 (2) (3) of CrPC lays down that in such circumstances printing or publishing material relating to the proceedings without permission of the court is unlawful.

Delay in loading the FIR; in *Sri Narayan Saha v. State of Tripura*, the SC held that in a rape case, delay in loading the FIR does not make the case false. It casts doubt and shame upon her therefor delay does not necessarily mean that her version is false. Thus, delay in loading the FIR can’t be used as ritualistic formula for doubting the prosecution’s case.