

- (b) “hospital” means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation;
- (c) “police officer” shall have the same meaning as assigned to the expression “police” under the Police Act, 1861 (5 of 1861);
- (d) “women’s or children’s institution” means an institution, whether called an orphanage or a home for neglected women or children or a widow’s home or an institution called by any other name, which is established and maintained for the reception and care of women or children.

¹[(3) *Whoever, commits rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, and shall also be liable to fine:*

Provided *that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:*

Provided further *that any fine imposed under this sub-section shall be paid to the victim.]*

Punishment for causing death or resulting in persistent vegetative state of victim.

376A. Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 376 and in the course of such commission inflicts an injury which causes the death of the woman or causes the woman to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, or with death.

¹**[Punishment for rape on woman under twelve years of age.**

376AB. *Whoever, commits rape on a woman under twelve years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, and with fine or with death:*

Provided *that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:*

Provided further *that any fine imposed under this section shall be paid to the victim.]*

1. Inserted by the Criminal Law (Amendment) Act, 2018, w.e.f. **21-4-2018**.

Sexual intercourse by husband upon his wife during separation.

376B. Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.

Explanation.—In this section, “sexual intercourse” shall mean any of the acts mentioned in clauses (a) to (d) of section 375.

Sexual intercourse by a person in authority.

376C. Whoever, being—

- (a) in a position of authority or in a fiduciary relationship; or
- (b) a public servant; or
- (c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women’s or children’s institution; or
- (d) on the management of a hospital or being on the staff of a hospital,

abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than five years but which may extend to ten years, and shall also be liable to fine.

Explanation 1.—In this section, “sexual intercourse” shall mean any of the acts mentioned in clauses (a) to (d) of section 375.

Explanation 2.—For the purposes of this section, *Explanation 1* to section 375 shall also be applicable.

Explanation 3.—“Superintendent”, in relation to a jail, remand home or other place of custody or a women’s or children’s institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which such person can exercise any authority or control over its inmates.

Explanation 4.—The expressions “hospital” and “women’s or children’s institution” shall respectively have the same meaning as in *Explanation* to sub-section (2) of section 376.

Gang rape.

376D. Where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person’s natural life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.

¹[**Punishment for gang rape on woman under sixteen years of age.**

376DA. *Where a woman under sixteen years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine:*

Provided *that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:*

Provided further *that any fine imposed under this section shall be paid to the victim.*

Punishment for gang rape on woman under twelve years of age.

376DB. *Where a woman under twelve years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine, or with death:*

Provided *that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:*

Provided further *that any fine imposed under this section shall be paid to the victim.]*

Punishment for repeat offenders.

376E. Whoever has been previously convicted of an offence punishable under section 376 or section 376A or ²[*section 376AB or section 376D or section 376DA or section 376DB*] and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.]

STATE AMENDMENT

CHHATTISGARH

■ **Section 376F**

After section 376E, the following section shall be inserted:

"376F. Liability of person in charge of work place and others to give information about offence. - Whoever, being person in charge of any work place or any other person present at such place, having knowledge that an offence under section 376 or section 376D, is being committed at such place and being in a position to prevent commission of such offence fails so, to prevent such offence or to give information of the commission of such offence, to any magistrate or police officer, by any mode, with the intention of screening

1. Inserted by the Criminal Law (Amendment) Act, 2018, w.e.f. **21-4-2018**.
2. Substituted for "section 376D", *ibid*.

the offender from legal punishment, shall be liable to be punished for abetment of such offence with imprisonment of either description which may extend to three years and fine and no such person shall incur any liability for giving such information.

Explanation.—Work place includes any mode of transport owned, hired or otherwise engaged by the person in charge of the work place for the conveyance of the woman, who was subjected to such offence, to and from her residence to such work place."—*Vide* Chhattisgarh Act No. 25 of 2015, w.e.f. 21-7-2015.

Of unnatural offences

Unnatural offences.

377. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation : Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

CHAPTER XVII

OF OFFENCES AGAINST PROPERTY

Of theft

Theft.

378. Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Explanation 1 : A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2 : A moving effected by the same act which effects the severance may be a theft.

Explanation 3 : A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it.

Explanation 4 : A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5 : The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.