

Law of Crime

Three years sem II

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Section 354 outraging the modesty of a woman :

Essential elements of section 354 are :

1. There must be an assault on a woman or
2. The accused must have used criminal force on her .
3. There is an intention to outrage modesty or there was a knowledge that his act is likely to outrage her modesty.

Modesty in section 354 of the IPC is an attribute associated with female human beings as a class . It is a virtue which attaches to a female owing to her sex .The ultimate test to determine whether modesty has been outraged is whether action of the offender is such as could be perceived as one which is capable of shocking the sense of decency of a woman.(Ramkripal s/o Shyam Lal Sharma v. State of Madhya Pradesh 2007 II Cri.L.J.2302 S.C., Raju Pandurang Mahale v. State of Maharashtra 2004 Cri. L.J. 1441 S.C.)

Punishment : The punishment for outraging the modesty of a woman is imprisonment which shall not be less than one year but which may extend to five years and fine.