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Rapist tag for sex with minor fiancée

SC Convicts Man Who Had Consensual Sex With 16-Yr-Old In Teens

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Times View

New Delhi: If love is blind, so is justice. Long after a boy, then 19 years old, eloped with his 16-year-old girlfriend from rural Punjab and had sex, the boy—now a man—stands convicted for rape by the Supreme Court and will spend the next three years behind bars.

The girl being a minor, her consent to sex and a confession in court of her complicity in the act did not help mitigate the boy's offence. For, law terms sex with a minor, with or without her consent, as rape. What saved him from a harsher sentence of seven years was the leniency plea from the father of the girl, who is now married to another man.

The boy, Rakesh Kumar, had been arrested after the girl's father accused him of kidnapping and raping his minor daughter. A trial court in Patiala convicted him and sentenced him to seven years' imprisonment, despite the girl confessing that she had sex as she was in love with him.

Kumar appealed in the Punjab and Haryana HC, which said it would be

Sexual predators who prey on youngsters must be dealt with sternly. But the legal system should take a more lenient view towards consensual sex between teenagers—especially those in their late teens, as in this case. Sexual awareness—and experimentation—is on the rise among Indian teenagers. While this may disturb many parents, surely jailing young men as punishment is an excessive reaction.

Age of consent

The legal age for consensual sex in India is 18 years. However, after the Delhi and Andhra HCs recognized the marriage of girls below 18 who had eloped with their beaus and absolved the men from prosecution after ascertaining the girls' views, a petition was moved in the SC seeking clarification on the age of consent.

harsh to send the boy behind bars, long after the incident, for seven years just because two youngsters in love had sex. While maintaining the con-

viction, it reduced the sentence to the period already undergone and asked the authorities to release him. The main ground for leniency, as mentioned in the HC judgment, was the rural background of the boy. The state government appealed against the judgment saying rape convicts could not be let off lightly as it could encourage other such offenders.

A Supreme Court bench was caught in a dilemma as on one hand a heinous crime like rape could not be condoned, while on the other, there was a confession from the girl and a plea from her father to be lenient. In the end, the bench felt that HC was not justified in reducing the sentence of a person convicted of rape.

The court must not only keep in view the rights of the criminal but also the rights of the victim and the society at large while considering imposition of appropriate punishment, said Justice Pasayat. He said courts, while using their discretion to award punishment less than that prescribed in law, must record cogent reasons.

Hyd hospital slammed for techie surgery botch-up

Sympathising with an Infosys engineer who was paralysed during a tumour removal surgery, the Supreme Court has slammed Hyderabad-based Nizam's Institute of Medical Sciences for "criminal negligence". Hearing 38-year-old engineer Prashanth S Dhananka's plea seeking a compensation of Rs 7.5 crore, it said, "His talent is wasted. He is a national property." AGENCIES

Extra-judicial confession for murder conviction

Relying on an extra-judicial confession, the SC has upheld the life term of a man who smothered his wife and daughter after he grew suspicious of his wife's fidelity. "An extra-judicial confession, if voluntary and true and made in a fit state of mind, can be relied upon by the court. The value of the evidence as to confession, like any other evidence depends upon the veracity of the witness to whom it has been made," the SC said. AGENCIES