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Review unnatural sex: HC



The division bench of the Bombay high court have acquitted two Britons involved in paedophilia case

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July 24: The division bench of the Bombay high court not only acquitted the two Britons Allan John Waters and Duncan Alexander Grant and their Indian emissary William D'Souza but also observed that subjects such as sodomy, paedophilia, carnal sex and unnatural sex should be looked at from a changing perspective in the society. The court came to this decision after the prosecution failed to prove their case.

"Lots of changes are taking place in the social milieu and many people have different sexual preferences, which are considered to be unnatural. The age-old laws need to be looked into," observed the division bench of justice Bilal Nazki and justice S.A. Bobade.

The witnesses and victims, Sunil Kadam and Kranti Londhi have stated that when they stayed at the Anchorage shelter. Grant

and his friend Waters used to sexually abuse them in rooms where 40 to 50 other boys used to sleep. However, the court found several loopholes in the prosecution's case. First, the court asked how the victims were abused without the others in the room knowing about it. Second, the victims reported

would be trusted, even without corroboration, but when the court has itself found the evidence to be unreliable, there is no question of that." There were several discrepancies in the case—while Kadam said that he was sexually harassed, he stayed at Anchorage for 4-5 years. Mr Londhi said that the accused forced him to have oral sex, but he did not complain for two years. The court also observed that there were other witness-

anchorage case

the abuse only to advocate Marookh Edenwala, that too months after the incident.

The court observed, that though the SC ruling in a case says that a delay in recording a case under Section 377 of the Indian Penal Code (IPC) does not hamper the seriousness of the charge, the testimony of the public witnesses is still unreliable and cannot be the basis of conviction of the accused. The court also stated that, "Evidence by the victims of sexual assault even in offences under the Section 377 of the IPC

es but the police recorded only those witnesses whose testimonies were asked for by advocate Edenwala and appointed as amicus curie (the court's friend) in the case. The defence has alleged their involvement in implicating the ex-British Royal Navy-men.

The court also rejected the prosecution's theory that other witnesses were reluctant to tell the truth as the police recorded the statement in presence of Mr Allen Denning who was interested in taking over Anchorage.

High court's observations

- Prosecution has not been able to prove the case
- Lots of changes taking place in social milieu and many people have different sexual preferences which are not considered to be unnatural
- How they can have sex without others knowing about it?
- The statements of the key witnesses were not reliable as there were discrepancies