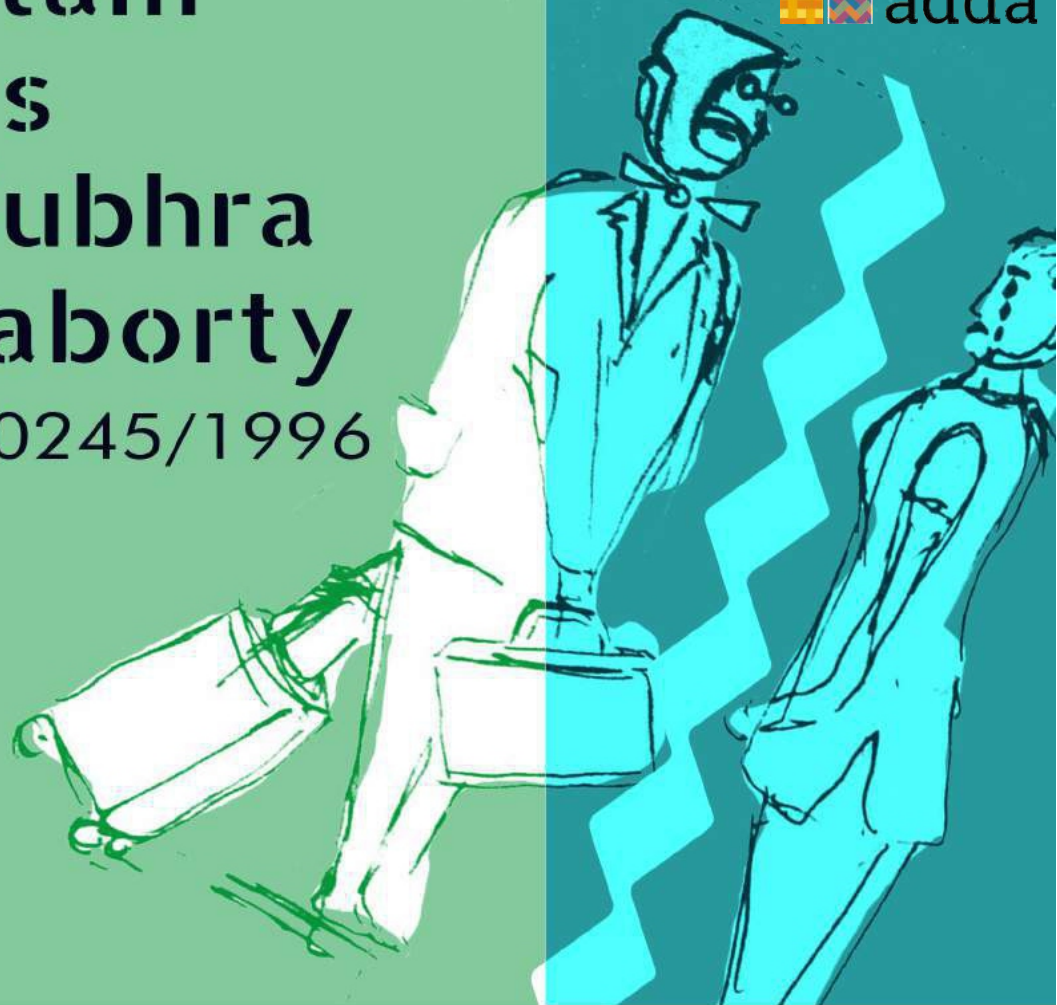


Shri Bodhisattwa Gautam

VS

Miss Subhra Chakraborty

MANU/SC/0245/1996



FACTS

Subhra Chakraborty a student of Baptist College, Kohima filed a complaint in the Court of the Judicial Magistrate, against Bodhisattwa Gautam a lecturer in the same college.

Miss Subhra and Bodhisattwa had an affair, in the course of which Miss Subhra got pregnant. After initially refusing to tie the knot, Bodhisattwa married her secretly. Subsequently he convinced her to abort the child. The second time she got pregnant he again compelled her to undergo surgery. In the middle of all this Bodhisattwa got employed in a college in Silchar. However when Miss Subhra decided to travel with him to Silchar he abandoned her in complete disregard of their marriage and his promises.

In the complaint filed, Miss Subhra alleged that Bodhisattwa deceived her into living with him to have sexual intercourse and accused him of rape. She also alleged that he fraudulently made her believe that she was his legally wedded wife. She accused him of compelling her to undergo an abortion twice. Above all she complained of having suffered severe mental and physical pain due to the acts of the accused.

A criminal case was registered under several sections of the Indian Penal Code. The accused approached the High Court and subsequently the Supreme Court to get the complaint and the proceedings quashed. However, the Courts dismissed his petition and ordered him to pay monthly compensation to the victim during the pendency of the proceedings.



QUESTION OF LAW

Can the accused be compelled to pay maintenance to the complainant?

HELD

The Court found Bodhisattwa liable to pay compensation to the complainant.

The Court held that rape amounts to violation of the right to life which in Article 21 is defined as the right to live with human dignity.

It found that Bodhisattwa's actions violated Chakraborty's right to liberty and life with human dignity. Noting the social barriers women face in India, and particularly the psychological and social consequences for rape victims, the Court ordered the creation of a Criminal Injuries Compensation Board to cover losses experienced by victims of sexual assault.





It also issued a set of guidelines to help indigent rape victims who cannot afford medical, psychological and legal services consistent with the Principles of the UN Declaration of Justice for victims of Crime and Abuse of Power, 1985.

The Court ordered Gautam to pay Rs. 1000 per month in maintenance costs for Chakraborty's livelihood during the pending criminal case, starting from the date the complaint was filed.

