

The this section is
intended to punish



**ASSIGN
BUSTER**

The carnal intercourse on the part of the offender under this section must be voluntary and with a man, woman or animal, and it must be against the order of nature. Like the offence of rape, penetration is sufficient to convict an offender under this section. In other words, carnal intercourse by a man with man, or by a woman with woman, or by a man or woman with animal is punishable under this section as such intercourse is against the order of nature. A man's sexual intercourse with a woman would also be punishable under this section where it is done in any other way than the natural way, such as by putting the penis in the mouth, because the same is against the order of nature.

Similarly, sexual intercourse by putting the male organ between the thigh of another was held to be an unnatural offence under this section. Sexual intercourse per nose of a bullock was also held to be an offence under this section. Homosexuality may have been legalised in many countries of the world but in India such act is punishable under this section as this section is intended to punish sodomy, buggery and bestiality, and the act of the offender falls within the language of the section. Where the appellant called two girls aged eight and six years to his house, made them sit on his laps and then put his penis in the mouth of the eight years old girl and discharged his semen in her mouth as a result of which she vomited, while he fingered the private parts of the six years old girl and also urinated in her mouth, kissed them both and also the left cheek of the eight years old girl was bitten by him, it was held that the charges under sections 376, 377 read with section 511 could not be interfered with in revision. In *Jameel v. State of*

Maharashtra, the accused had sexual intercourse through the rectum of a six years old girl.

He was convicted under section 377. He had completed sixteen years of age on the date of the incident and as such was not a juvenile under the Juvenile Justice Act, 1986. He pleaded that Juvenile Justice (Care and Protection of Children) Act, 2000 should apply as he was not above eighteen years of age on the day of occurrence. The Supreme Court held that his plea is not tenable since on the date of enforcement of the Act of 2000 the accused was above eighteen years of age. The offence under section 377 is cognizable, non-bailable and non-compoundable, and is triable by magistrate of the first class.