

Modesty the accused,  
at the dead of



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BUSTER**

Modesty of a woman: In *State of Punjab v. Major Singh*, in interpreting the words used in Section 354, observed: 'The essence of a woman's modesty is her sex. The modesty of an adult female is a bit larger on her body. Young or old, intelligent or imbecile, awake or sleeping, the woman possesses modesty capable of being outraged. Whoever uses criminal force to her with intent to outrage her modesty commits an offence under Section 354.

The culpable intention of the accused is the crux of the matter. The reaction of the woman is very relevant, but its absence is not always decisive.'

Intrusion upon privacy of a woman: Where the accused, at the dead of night, entered a room and on an attempt made to apprehend him, he fled away it was held that intrusion upon the privacy of the woman was sufficiently proved to bring the case within the ambit of this section. Where the accused at 10 p. m. entered into the room of a married woman who was sleeping alone, and wanted to have sexual intercourse by forcibly undressing her, but was frustrated by the alarm raised it was held that, under Section 222 of the Cr. P.

C. the accused could be rightly convicted under this Section and not under Section 376 read with Section 511, I. P. C..

Ingredients of offence: The essential ingredients of the offence under Section 509 are as follows : (1) The accused uttered some words, or made some sound or gesture or exhibited any object or intruded upon the privacy of a woman; (2) The accused must have intended that the woman was uttered or the sound or gesture so made or the object so exhibited should be seen or

heard by the woman; (3) The accused thereby intended to insult the modesty of the woman.