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intent to



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Intention or knowledge: Intention or knowledge being the essential ingredient of the offence, where an accused is tried for an offence under this section, and the prosecution succeeds in proving the assault by the accused, the next question that falls to be considered is whether he did so with intent to outrage the woman's modesty or with knowledge that it would be outraged. Modesty of a woman—how and when outraged: The essence of a woman's modesty is her sex. Whoever uses criminal force to her with intent to outrage her modesty commits an offence under this section. The culpable intention of the accused is the crux of the matter. The reaction of the woman is relevant but not always decisive. Thus where the accused walked into the room where a female child of seven and half months was sleeping, stripped himself naked below the waist and kneeled over her and fingering her vagina ruptured the hymen causing an injury, it was held that the accused committed an offence under the Section.

” Ingredients: One of the ingredients of the offence under Section 354 is that the accused assaults or uses criminal force to a woman intending to outrage or knowing it to be likely that he will thereby outrage the modesty of a woman. If the intention to outrage the modesty is not proved and the victim is a consenting or voluntary party to the affair, the accused cannot be convicted under Section 354, I. P. C. In order to attract the application of Section 354, apart from the assault, it must be further established that he committed assault with the intent to outrage the modesty of the woman or with the knowledge that it would be outraged. The story of a person trying to outrage modesty of two women in the presence of two gentlemen is unnatural and that there must be clear and unimpeachable evidence before

it can be accepted. In the case of Vidyadharan v. State of Kerala, the modesty of the victim was alleged to have been outraged.

It was held by the Hon'ble Supreme Court that in order to constitute the offence under the section, mere knowledge that the modesty of a woman is likely to be outraged is sufficient without any deliberate intention of having such outrage alone for its object. Outrage of modesty—Test: The test of outrage of modesty is whether a reasonable man will think that the act of the offender was intended to or was known to be likely to outrage the modesty of the woman. In the instant case, the girl was 15 years of age and in the midnight while she was coming back with her mother the sudden appearance of the accused from a lane and dragging her towards that side sufficiently establish the offence under Section 351, I. P.

C. (3) Assault or criminal force with intent to dishonour person, otherwise than on grave and sudden provocation punishable as above (Section 355).

(4) Assault or criminal force to attempt to commit theft of property worn or carried by a person punishable as above (Section 356).

(5) Assault or criminal force to attempt to wrongfully confine a person punishable with imprisonment upto one year or fine upto Rs. 1, 000 or both (Section 357). (6) Assault or criminal force on grave and sudden provocation punishable with imprisonment upto one month or fine upto Rs. 200 or both (Section 358).