

Explanation years,  
shall, until the  
contrary is proved,



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Explanation I: Any prostitute or any person keeping or managing a brothel, who buys hires or otherwise obtains possession of a female under the age of eighteen years, shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

Explanation II: " Illicit intercourse" has the same meaning as in section 372.

Buyes hires or otherwise obtains possession: The expression ' otherwise obtains possession' includes adoption as well irrespective of the fact whether such adoption is valid in law or not. But where a minor girl voluntarily runs away with the accused, the latter cannot be said to have possession over the girl, since she is free to leave him at any moment. The section does not specify the nature of the possession, nor its duration, not intensity. Thus where a brothel keeper allows a girl to visit the brothel for two or three hours in the night and she is allowed to prostitute herself to customers for money, it is obtaining of possession within the meaning of the section. Purpose of prostitution: Where the accused manager of a brothel, obtained possession of a girl below eighteen years of age, the presumption is that she will be used for prostitution. Ingredients of offence: The essential ingredients of the offence under Section 373 are as follows: (1) Accused bought, hired or otherwise obtained possession of a person; (2) Such person was under the age of 18 years; (3) The accused did so with intent or knowing it to be likely that such person shall be used for either prostitution or illicit intercourse or any purpose which is unlawful or immoral.