

SUPREME COURT OF INDIA

Sukhwinder Singh

Vs.

State of Punjab

(Dr. A. S. Anand , C.J., S. Rajendra Babu and R. C. Lahoti JJ.)

24.02.2000

ORDER

The Text below is only a summarized version of the order pronounced

The appellant was convicted u s 363 366 and 376 of IPC for the act of sexual intercourse with a girl of not more than 16 years even though she consented to it. The Apex court held that the High Court failed to consider the proviso to Section 376 of IPC under which for adequate and special reason the sentence of imprisonment could be of less than 7 years. In the circumstances of the case, it was found that prosecutrix was married to the appellant and had compromised with him. Also, the alleged offence took place a decade ago. Thus, the sentence was reduced to the period already undergone.