

**DISTRICT AND SESSIONS COURT,
AURANGABAD.**

WORKSHOP ON

CIVIL

1. "Daughter is a coparcener - in view of the Hindu Succession (Amendment) Act, 2005 with latest case laws."
2. "Property rights of widow under the Hindu Law with special emphasis on effect of re-marriage."

CRIMINAL

1. "Scope, distinction and applicability of Sec.34, 149 of I.P.Code and Sec. 109 and 120-B of IPC."
2. "Code of Criminal Procedure Act, 2013."

Held on 28th March, 2015

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CRIMINAL

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1. **"Scope, distinction and applicability of Sec.34, 149 of I.P.Code and Sec. 109 and 120-B of IPC."**
2. **"Code of Criminal Procedure Act, 2013."**

1. SCOPE, DISTINCTION AND APPLICABILITY OF SEC.34, 149 OF I.P.CODE AND SEC.109 AND 120-B OF IPC"

1. Intention and object are two distinct and different things. Object can be seen but the intention cannot. Common thing between the common intention and the common object is the use of word, "common" in sections 34 and 149 of the Indian Penal Code. Section 34 falls in Chapter-II of the Indian Penal Code. It is in respect of general explanations. Section 34 of the Indian Penal Code explains what the common intention is. When an intention can be said to be common. On the other hand, section 149 falls in Chapter-VIII of the Indian Penal Code. Said chapter deals with the offences against the public tranquility. It is thus, seen that Chapter-VIII defines the offences of public tranquility and prescribes the punishments therefor. Formation of an unlawful assembly is itself punishable U/sec.143 of Indian Penal Code. Section 141 of the Indian Penal Code defines as to when an assembly can be said to be unlawful. Explanation appended to section 141 of the Indian Penal Code makes it explicit that an assembly which was not unlawful when it assembled may subsequently become an unlawful assembly.

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Scope of common intention and common object

2. Section 34 of the Indian Penal Code is in respect of the Acts done by several persons in furtherance of common intention. It reads as under :-

When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

3. This section lays down a principle of joint liability in the doing of a criminal act. The essence of that liability is to be found in the existence of common intention animating the accused leading to the doing a criminal act in furtherance of such intention. It deals with the doing of separate acts, similar or diverse by several persons; if all are done in furtherance of common intention, each person is liable for the result of them all as if he had done them himself; for "that act" and "the act" in the latter part of the section must include the whole action covered by a "criminal act" in the first part, because they refer to it. The section does not create a distinct offence, it lays down only a principle of joint criminal liability, it is only a rule of evidence and does not create a substantive offence. Constructive liability under the Code may arise in three well defined cases. A person may be constructively liable for an offence which he did not actually commit by reason of :

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- (1) the common intention of all to commit such an offence (section 34);
- (2) he being a member of a conspiracy to commit such an offence (section 120A);
- (3) he being a member of an unlawful assembly, the members whereof knew that an offence was likely to be committed (section 149).

This section is framed to meet a case in which it may be difficult to distinguish between the acts of individual members of a party or to prove exactly what part was taken by each of them. The reason why all are deemed guilty in such cases is, that the presence of accomplices gives encouragement, support and protection to the person actually committing the act.

This section embodies the common-sense principle that if two or more persons intentionally do a thing jointly it is just the same as if each of them had done it individually. If two or more persons combine in injuring another in such a manner that each person engaged in causing the injury must know that the result of one of them to allege, and perhaps prove, that his individual act did not cause death, and that by his individual act he cannot be held to have intended death. Every one must be taken to have intended the probable and natural results of the combination of acts in which he joined. All are guilty of the principal offence, not of abetment.

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4. Section 149 of the Indian Penal Code lays down that, every member of unlawful assembly is guilty of offence committed in prosecution of common object. It reads as under :-

If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of committing of that offence, is a member of the same assembly, is guilty of that offence.

5. This section creates a specific and distinct offence. The vicarious liability of the members of the unlawful assembly will extend only to (1) the acts done in pursuance of the common object of the unlawful assembly, or (2) such offence as the members of the unlawful assembly knew to be likely to be committed in prosecution of that object. An accused person whose case falls within the terms of this section cannot put forward the defence that he did not with his own hand commit the offence committed in prosecution of the common object of the unlawful assembly or such as the members of the assembly knew to be likely to be committed in prosecution of that object. Everyone must be taken to have intended the probable and natural results of the combination of the acts in which he joined. It is not necessary in all cases that all the persons forming an unlawful assembly must do some overt act. Where the accused assembled together, armed with lathis, and were parties to the assault on the

complainant, the prosecution is not obliged to prove which specific overt act was done by which of the accused. Section 149 declares in substance that every member of an unlawful assembly is responsible for an offence committed by another member, or the other members, in prosecution of the common object of such assembly, or one which he must have known was reasonably likely to be committed in the prosecution of such common object. In other words, this provision, so to speak, takes him out of the region of abetment, and makes him responsible as a principal for the acts of each, and all, merely because he is a member of an unlawful assembly.

6. Under this section the liability of the other members for the offence committed during the continuance of the occurrence rests upon the fact whether the other members knew beforehand that the offence actually committed was likely to be committed in prosecution of the common object. Such knowledge may reasonably be collected from the nature of assemble, arms or behaviour. at or before the scene of action. If such knowledge may not reasonably be attributed to the other members of the assembly then their liability for the offence committed during the occurrence does not arise.

Distinction between common intention and common object

7. There is much difference in the scope and applicability of Section 34 and Section 149, I.P.C., though they have some resemblance and are to some extent overlapping.

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8. Section 34 does not by itself create any offence, whereas Section 149 does. In a charge under Section 34 there is active participation in the commission of the criminal act, under Section 149 the liability arises by reason of the membership of the unlawful assembly with a common object, and there may be no active participation at all in the preparation or commission of the crime.

9. The principal element in Section 34 is the common intention to commit a crime. There is no question of common intention in Section 149. Both sections deal with combination of persons who become punishable as sharers in offence. Thus, they have a certain resemblance and may be to some extent overlap.

10. Section 34 limits itself to the furtherance of the common intention while Section 149 goes further and is more strongly worded than Section 34. The words “common object” and “common intention” are not synonymous. They involve substantial difference.

11. Under Section 34 a criminal act must be done by several persons ‘in furtherance of common intention of all’, whereas under Section 149, the mere membership of an unlawful assembly, any member of which commits an offence, in prosecution of the common object of that assembly is punishable.

12. Although, there is a difference in common object and common intention, they both deal with combination of persons who

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become punishable as sharers in an offence, and a charge under Section 149 is no impediment to a conviction under Section 34 if the evidence discloses the commission of the offence in furtherance of the common intention of all.

13. A common object is different from common intention in that it does not require prior concert and a common meeting of minds before the attack, and an unlawful object can develop after the people get there.

14. In a case under Section 149 there need not be a prior meeting of minds. It is enough that each has the same object in view and their number is five or more and that they act in an assembly to achieve that object.

15. Section 149 is controlled by Section 141 while Section 34 is an independent section in the sense that it is not controlled by any section. Common intention is not defined whereas 'common object' has been defined in Section 141 so that if the common object is an object other than any of the objects specified in Section 141, Section 149 would not apply.

16. Section 34 is wider in scope than Section 149 in the sense that in order to apply Section 34 only two persons are required whereas at least five persons are required for the application of Section 149.

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17. Section 34 refers to cases where several persons intend to do and do an act, it does not refer to cases where several persons intend to do an act and some one or more of them do an entirely different act. In the latter class of cases Section 149 is applicable but Section 34 is not.

Scope of abetment and conspiracy

18. A person is said to abet the doing of a thing who either instigates the other to do a thing, or who engages one or more other persons in any conspiracy for the doing of that thing. If any act or illegal omission occurred in pursuance of such conspiracy is also an abetment. When a person intentionally aids by any act of illegal omission such action or omission is also an abetment. When a person in his attempt to influence another person for doing a particular act by willful misrepresentation or willful concealment of material fact necessary to be disclosed causes or procured the intended thing to be done is also an abetment. When a person during commission of an offence does anything to facilitate the commission of offence also amounts to abetment.

19. Sec.120A of the Indian Penal Code contemplates that when two or more persons agreed to do or cause to be done an illegal act or an act which is not illegal by illegal means. Such agreement is designated by criminal conspiracy. All other agreements except an offence shall amount to criminal conspiracy unless some act besides

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the agreement is done by one or more parties to such agreement in pursuance thereof. In determining criminal conspiracy it is immaterial whether the ultimate object of the agreement is such illegal act or not. A conspirator to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upward and no specific provision is made for such conspiracy then the offender will be punished in the same manner as he has abetted the offence. If the conspiracy is not to commit an offence then the provided punishment shall be term not exceeding six months or fine or both.

20. It is important that the culpability of an offence is inconsonance with the degree or grade of the act of perpetrator, while determining the guilt of the accused persons, the degree and the act of the participants in the offence has to be carefully and cautiously assessed.

Distinction between abetment and conspiracy

21. So far as, distinction between offence of abetment and criminal conspiracy is concerned, the offence of abetment created under the second clause of section 107 requires that there must be something more than a mere conspiracy there must be some act or illegal omission in pursuance of that conspiracy that would be evident from the wording of Section 107 of IPC.

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Following five points of distinction are also found -

22. Under Sec. 107(2) combination of two or more persons is not enough, but some act or illegal omission must take place in doing of the thing conspired for. However, mere agreement between two or more persons to commit a crime is the gist of the offence of conspiracy.

23. Sanction of competent authorities is not necessary to proceed against the Abettors, who merely abetted to commit a crime. However, Sanction of competent authorities is necessary to proceed against the conspirators who merely agreed to commit a crime.

24. The punishment is imposed depending on variable circumstances explained in Sections. 106 to 117. Whereas, the punishment is prescribed under Sec. 120-B only.

25. Section 120-A defines a substantive offence i.e. offence of conspiracy, whereas abetment per-se is not substantive offence.

26. Abetment may consist of conspiracy as conspiracy is species of abetment, whereas a conspiracy would not amount to abetment.

Application of criminal liability with reference to sharing of object and intention

27. To attract the application of Section 34, the following conditions must be satisfied:-

1) Some Criminal Act : - 'Criminal act' used in section 34 does not refer to individual acts where a crime is committed by a group of persons. Where a crime is committed by several persons in furtherance of common intention of all of them, each of them doing some act, similar or diverse, big or small shall be liable for that act. 'That act' refers to the 'criminal act' used in section 34 which means the unity of criminal behaviour which results in something for which an individual would be punishable if it were all done by himself alone in an offence.

2) Criminal Act Done By Several Persons :- The criminal act in question must have been done by several persons i.e. by more than one person. The number of wrong doers should be at least two. Most importantly, if the criminal act was fresh and independent act springing wholly from the mind of the doer, the others are not liable merely because when it was done they were intending to be partakers with the doer in a different criminal act.

3) Common Intention :- The words "in furtherance of the common intention of all" were added to section 34 after words 'persons' in 1870 the idea for which, possibly, was derived from the following passage of the Privy Council's judgment:

"Where parties go with a common purpose to execute a common intention, each and everyone becomes responsible for the acts of each and every other in execution and furtherance of their

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common purpose, as the purpose is common so must be the responsibility.”

The expression ‘common intention’ means unity of purpose or a pre-arranged plan; it has been given various meanings which are as follows-

Common intention implies a pre-arranged plan, prior meeting of minds, prior consultation in between all the persons constituting the group.

Common intention means the mens rea necessary to constitute the offence that has been committed.

It also means evil intent to commit some criminal act, but not necessarily the same offence which is committed.

Where there is no indication of premeditation or of a pre-arranged plan, the mere fact that the two accused were seen at the spot or that the two accused fired as a result of which one person died and two others received simple injuries could not be held sufficient to infer common intention.

However, common intention may develop on the spot as between a number of persons and this has to be inferred from the act and conduct of the accused, and facts and circumstances of the case.

4) Participation in the Criminal Act :- The participation in a criminal act of a group is a condition precedent in order to fix joint liability and there must be some overt act indicative of a common intention to commit an offence. The law requires that the accused must be present on the spot during the occurrence of the crime and take part in its commission; it is enough if he is present somewhere nearby.

28. The essence of offence under Section 149 is assembly of several (five or more) persons having one or more of the common objects mentioned in Section 141 and it could be gathered from the nature of the assembly, arms used by them and the behaviour of the assembly at or before scene of occurrence. Section 149 creates joint liability of all members of an unlawful assembly for criminal act done by any member in prosecution of the common object of the said assembly. So the essential ingredients of Section 149 are:

1. There must be an unlawful assembly, as defined in Section 141;
2. Criminal act must be done by any member of such assembly;
3. Act done is for prosecution of the common object of the assembly or such which was likely to be committed in prosecution of the common object;
4. Members have voluntarily joined the unlawful assembly and knew the common object of the assembly.

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5. Mere presence and sharing of common object of the assembly makes a person liable for the offence committed even if he had no intention to commit that offence.

Criminal liability with reference to abetment and conspiracy

29. In order to constitute abetment by aiding within the meaning of the third clause of s. 107 of the Code, the abettor must be shown to have intentionally aided the commission of the crime. A person may invite another casually or for a friendly purpose and that may facilitate the murder of the invitee. But unless it is shown that the invitation was extended with a view to facilitate the commission of the murder, it cannot be said that the person extending the invitation had abetted the murder. The language used in the section is “intentionally aids” and therefore, active complicity is the gist of offence of abetment under the third clause of s. 107 of the Code. Mere presence at the commission of a crime cannot amount to intentional aid unless it was intended to have that effect. To be present and aware that an offence is about to be committed does not constitute abetment unless the person thus present holds some position of rank or influence such that his countenancing what takes place may, under the circumstances, be held direct encouragement, or unless some specific duty of prevention rests on him, which he leaves unfulfilled, in such wise that he may be safely taken as having joined in a conspiracy for the preparation of the offence.

30. In *Surendra Agnihotri Vs. State of M.P. 1998 Cri.L.J. 4443 (M.P.)*, the Hon'ble High Court observed that, a lady advocate was attending the chamber of her senior advocate, the accused. On the day of the incident she was talking with the accused at her residence. At that moment in his presence, she poured kerosene on her person and set herself on fire. The accused did nothing to save her. It was held that this did not amount to “illegal omission”. He was not guilty of abetment of suicide.

31. To constitute the offence of conspiracy there must be an agreement of two or more persons to do an act which is illegal or which is to be done by illegal means for one cannot conspire with oneself, as laid down in the case of **Haradhan Chakrabarty V. Union of India AIR 1990 SC 1210**.

32. The gist of the offence is the bare engagement and association to break the law, whether any act be done in pursuance thereof by the conspirators or not. In **Sudhir Shantilal Mehta V. CBI (2009) 8 SCC 1**, the Hon'ble Apex Court held that meeting of minds is essential, mere knowledge or discussion is not sufficient. In the absence of an agreement, a mere thought to commit a crime does not constitute the offence. In **Yogesh Vs. State of Maharashtra AIR 2008 SC 2991**, the Hon'ble Apex Court observed that the offence of conspiracy is a substantive offence. It renders the mere agreement to commit an offence punishable even if no offence takes place pursuant to the illegal agreement.

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33. In **Kuldeep Singh Vs. State of Rajasthan AIR 2000 SC 3649**, the Hon'ble Apex Court held that there cannot always be much direct evidence about the conspiracy, it can be inferred even from the circumstances giving rise to a conclusive or irresistible inference of an agreement between two or more persons to commit an offence. The help of circumstantial evidence is necessary because a conspiracy is always hatched in secrecy. It becomes difficult to locate any direct evidence. A smaller conspiracy can be a part of a larger conspiracy.

34. The punishment for conspiracy is the same as if the conspirator had abetted the offence. The punishment for criminal conspiracy is more severe if the agreement is one to commit a serious offence. Conspiracy to commit an offence is itself an offence and a person can be separately charge with respect to such conspiracy. Section 120 B of the Indian Penal Code applies to those who are members of conspiracy during its continuance. Conspiracy has to be treated as a continuing offence and whoever is party to the conspiracy during the period for which he is charged, is liable under this section. In **T. Shankar Prasad Vs. State AIR 2007 SC 2149**, it is held that an accused can be convicted for substantive offence even where he has been acquitted of the charge of conspiracy. In the **State of Tamilnadu Vs. Savithri 1976 Cri.L.J. 37(Mad)**, it is held that where the accused is charged both under section 109 as well as section 120 B of the Code and the offence abetted is shown to have been committed as a result of

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the abetment, the abettor should be punished with the imprisonment provided for the principal offence under section 109 of the Code and no separate sentence need be recorded under section 120 B of the Code.

35. Where the charge of conspiracy fails the individual accused could still be convicted for the offences committed by him. Where no jail term is awarded to the principal accused in a conspiracy and he was let off with fine alone, the other co-accused cannot be awarded substantive sentence of imprisonment, they also shall be ordered to pay fine only.

2. CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 2013

“ Victim's rights in Criminal Law Amendment Act, 2013.”

1. By way of Amendment Act, 2008, section 357-A came to be inserted in Cr.P.C. with effect from 31.12.2009.

2. Victim Compensation Scheme is inserted by way of section 357-A. As per that Scheme, whenever any person suffers any loss or injury and has no adequate means for medical treatment or rehabilitation, irrespective of whether the offender is not traced or identified or the offender is discharged or acquitted, the victim would

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get reasonable compensation from the State Government enabling him to get due medical care and rehabilitation.

3. The Criminal Procedure Code came to be amended again by Criminal Law Amendment Act, 2013. By this Amendment Act, 2013, more rights are conferred upon the victims of crime.

4. Let us see, the rights of victims as per the Criminal Law Amendment Act, 2013.

5. Section 154 Cr.P.C. is amended to provide that whenever information is given by a woman, alleging the offence under section 326-A, 326-B, 354, 354-A, 354-B, 354-C, 354-D, 376, 376(A), 376(B), 376(C), 376(D), 376(E) or section 509 IPC, such information shall be recorded by woman police officer or any woman officer.

6. This shows that the woman victim is given a right to have her information under section 154 Cr.P.C. to be recorded by a woman officer only so as to make her comfortable or convenient considering the nature of allegations.

7. It further provides that if such woman victim is temporarily or permanently is mentally or physically disabled, statement/information of such victim shall be recorded at her home or any other convenient place as per her choice. It is also provided that such information needs to be recorded in presence of Interpreter or

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Special Educator to facilitate the woman victim. As a matter of caution it is also provided that the recording of information of such woman victim has to be Video recorded.

8. Similar procedure is incorporated to section 161 and 164 Cr.P.C. in respect of woman victim alleging aforesaid offences.

9. By way of Criminal Law Amendment Act, 2013, Section 357-B is introduced to the Code of Criminal Procedure. It provides that the compensation payable by State Government under section 357-A Cr.P.C. shall be in addition to the payment of fine to the victim of offences under section 326-A or 376-D IPC.

10. Under section 326-A and 376-D IPC, it is provided that, fine shall be imposed on accused, which shall be just and reasonable to meet the medical expenses and rehabilitation of the victim and such fine shall be paid to the victim.

11. By way of Criminal Law Amendment Act, 2013, section 357-C is introduced in the Code of Criminal Procedure.

12. It provides that all hospitals, whether public or private, run by State Government or Central Government, local body or any other person shall immediately provide the First Aid or medical treatment free of cost to the victim of any offence under section 326-A, 376(A), 376(B), 376(C), 376(D), 376(E) I.P.C.

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**Special provisions regarding investigation in Criminal Law
Amendment Act, 2013.**

Amendment of Section 54A:-

13. In section 54A of the Code of Criminal Procedure, the following provisos shall be inserted, namely:-

"Provided that, if the person identifying the person arrested is mentally or physically disabled, such process of identification shall take place under the supervision of the Judicial Magistrate who shall take appropriate steps to ensure that such person identifies the person arrested using methods that person is comfortable with;

Provided further that if the person identifying the person arrested is mentally or physically disabled the identification process shall be videographed".

Amendment of section 154:-

14. In section 154 of the Code of Criminal Procedure, in sub-section (1), the following provisos shall be inserted, namely:-

"Provided that if the information is given by the woman against whom an offence under section 326A, Section 326B, Section 354, Section 354A, Section 354B, Section 354C, Section 354D, Section 376, Section 376A, Section 376B, Section 376C, Section 376D, Section 376E or Section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, then such

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information shall be recorded, by a woman police officer or any woman officer:

Provided further that:-

(a) in the event that the person against whom an offence under Section 354, Section 354A, Section 354B, Section 354C, Section 354D, Section 376, Section 376A, Section 376B, Section 376C, Section 376D, Section 376E or Section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be videographed;

(c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (5A) of section 164 as soon as possible".

Amendment of section 160:-

15. In section 160 of the Code of Criminal Procedure, in sub-section(1), in the proviso, for the words "under the age of fifteen years or woman", the words " under the age of fifteen years or above the age of sixty-five year or a woman or a mentally or physically disabled person" shall be substituted.

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Amendment of section 161:-

16. In section 161 of the Code of Criminal Procedure, in sub-section(3), after the proviso, the following proviso shall be inserted, namely;

Provided further that the statement of a woman against whom an offence, under Section 354, Section 354A, Section 354B, Section 354C, Section 354D, Section 376, Section 376A, Section 376B, Section 376C, Section 376D, Section 376E or Section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted shall be recorded by a woman police officer or any woman officer."

Amendment of section 164:-

17. In section 164 of the Code of Criminal Procedure, in sub-section(5), the following sub-section shall be inserted, namely;

(5A)(a) In cases punishable under Section 354, Section 354A, Section 354B, Section 354C, Section 354D, sub-section(1) or sub section (2) of Section 376, Section 376A, Section 376B, Section 376C, Section 376D, Section 376E or Section 509 of the Indian Penal Code (45 of 1860), the Judicial Magistrate shall record the statement of the person against whom such offence has been committed in the manner prescribed in sub-section (5), as soon as the commission of the offence is brought to the notice of the police:

Provided that if the person making the statement is temporarily or permanently mentally or physically disabled, the

Magistrate shall take assistance of an interpreter or a special educator in the recording the statement:

Provided that if the person making the statement is temporarily or permanently mentally or physically disabled, the statement made by the person with the assistance of an interpreter or a special educator, shall be videographed.

18. A statement recorded under clause (a) of a person who is temporarily mentally or physically disabled, shall be considered a statement in lieu of examination-in-chief as specified in Section 137 of the Indian Evidence Act, 1872 (1 of 1872), such that the maker of the statement can be cross-examined on such statement, without the need for recording the same at the time of trial".

19. Section 309 of the Criminal Procedure Code, as amended by the Act provides that, the trial of offences under section 376 and section 376A-D must be completed within two months from the date of filing the charge sheet. The procedural rule must be examined including the grounds for and order of in camera proceeding.

20. The Criminal Law (Amendment) Act 2013 introduced long, overdue changes in the law, it is grand step in the long journey to ending violence against woman in India through Criminal Law, police reforms and curricular reforms intended to change the mentality of future generations.

Code of Criminal Procedure (Amendment) Act, 2013

21. The Criminal Law (Amendment) Act 2013 passed by the Loksabha and Rajya Sabha which provides for amendment of Indian Penal Code, Indian Evidence Act and Code of Criminal Procedure on laws related to sexual offences. The Act deemed to come into force from 3rd February 2013. This Act came into existence in light of the protests in the 2012 Delhi gang rape known as, "Nirbhaya's Case".

22. The Criminal Law Amendment Act 2013 brought amendment in Indian Penal Code and incorporated new offences like, acid attack, sexual harassment, voyeurism and stalking. Certain changes has been introduced in the Cr.P.C. and Evidence Act, like the process of recording the statement of the victim has been made more victim friendly and easy but the two critical changes are the character of the victim is now render totally irrelevant and there is now presumption of no consent in case the sexual intercourse is proved and victim states in the court that she did not consent.

23. This Act brought amendment in section 26, 54-A, 154, 160, 161, 164(5), 173, 273, 309, 327, 197, 198-B, 357-A, 357-B, 357-C.