

CUSTODIAL RAPE

In Custodial Rape, when sexual intercourse by the accused is proved and the woman states in Court that it was without her consent, the Court shall presume that it was without her consent.

It is considered Custodial Rape when a man
TAKES ADVANTAGE OF HIS OFFICIAL POSITION
 to rape a woman in his custody and includes:

- Rape committed by the police on any woman in its custody
- Rape by a public servant on a woman in his custody
- Rape of a woman in custody by a man on the management or staff of a Jail, Hospital, Remand Home, Women's Home, Orphanage, Children's Home

PUNISHMENT FOR CUSTODIAL RAPE – SECTION 376 (2) IPC
 Minimum punishment of 10 years which may be extended to life imprisonment and fine