



# Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2025 – ISSN 2582-7820

Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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## Case Comment: Bodhisattwa Gautam v Subhra Chakraborty - The Intersection of Criminal Law and Fundamental Rights

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*Received 27 March 2025; Accepted 27 April 2025; Published 30 April 2025*

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### INTRODUCTION

The case of Bodhisattwa Gautam v Subhra Chakraborty<sup>1</sup> is a landmark case determined with the aid of using the Supreme Court of India, which broadens the idea of rape. It addresses the essential problem associated with the issue of consent and deception in cases of sexual assault. It mainly focuses on the liability for negligence in the context of rape and criminal liability.

The case also makes the crime of rape an infringement of the fundamental rights enshrined in Article 21<sup>2</sup> i.e. the Right to live with human dignity. Allegations of rape by the complainant, Subhra Chakraborty, give rise to this case. The complainant claimed that Bodhisattwa Gautam had sexually assaulted her by giving her false marriage promises. The Supreme Court, by its judgment, highlighted that the consent obtained deceitfully, such as false promises of marriage, is not regarded as valid consent under the law.

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<sup>1</sup> *Shri Bodhisattwa Gautam v Miss Subhra Chakraborty* (1996) AIR 922

<sup>2</sup> Constitution of India 1950, art 21

The case expanded the legal understanding of consent and the definition of rape by clarifying that there is no necessity for the presence of physical force if there is already any manipulation in the consent. The case is also significant in the recognition of the need for interim compensation in cases of sexual violence. The Supreme Court addressed that if a woman is the victim of sexual assault or rape, then the State will be liable to pay immediate compensation to the victim even before the trial or final judgment. The immediate interim compensation to the victim is important, as there is a need for financial and emotional support before the final judgment.<sup>3</sup>

## FACTS OF THE CASE

Subhra Chakraborty, the respondent, was a student of the Baptist College in Kohima. She submitted a complaint against Bodhisattwa Gautam, who was the lecturer of the same college, to the Court of Judicial Magistrate. Subhra Chakraborty and Bodhisattwa Gautam were having an affair, in the course of which Subhra Chakraborty got pregnant. Initially, Gautam refused to marry her and asked her to abort the child. When she refused to do so, Gautam made fake promises of marriage and even secretly married her. He then convinced her to abort the child, and she did the same as told. She got pregnant the second time, and this time, Gautam also compelled her to undergo surgery for an abortion. In the middle of these incidents, Gautam secured a new position at Cachar College in Silchar. He abandoned Subhra Chakraborty from being his wife and disregarded the marriage, and promised that she would travel with him.

The psychological and physical cruelty she faced led her to take legal action against him. She alleged him of deceiving her for living with him and having sexual intercourse and rape. She also alleged that he fraudulently made her believe that she was his legally married wife and accused him of compelling her to undergo an abortion twice. A criminal case was registered under several sections of the IPC, including Section 312<sup>4</sup>, 420<sup>5</sup>, 493<sup>6</sup>, 496<sup>7</sup>, and 498A<sup>8</sup>. The accused approached the Guwahati High Court and, subsequently, the Supreme Court with a petition to quash the complaint, claiming that the allegations were false. But the Courts

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<sup>3</sup> *Delhi Domestic Working Women's Forum v Union of India* (1995) 1 SCC 14

<sup>4</sup> Indian Penal Code 1860, s 312

<sup>5</sup> Indian Penal Code 1860, s 420

<sup>6</sup> Indian Penal Code 1860, s 493

<sup>7</sup> Indian Penal Code 1860, s 496

<sup>8</sup> Indian Penal Code 1860, s 498A

dismissed his petition and ordered him to pay monthly compensation to the victim during the pendency of the proceedings.

## **ISSUE RAISED**

1. Whether the Supreme Court is expected to issue an order mandating Bodhisattwa Gautam to provide interim compensation to Subhra Chakraborty while the criminal proceedings against him remain in progress.

## **ARGUMENTS FROM THE SIDE OF THE PETITIONER**

The argument from the learned counsel from the petitioner side was that the following case should not be treated as a rape case as the respondent was significant and she had given consent at the time of sexual intercourse. The respondent was neither drugged nor intoxicated at the time of sexual intercourse. The petitioner's counsel contended that the respondent of the allegation against the petitioner was only to harass and humiliate him. Therefore, there are no grounds to compel the petitioner to pay the interim compensation to the respondent. He further indicated that he presently lacks a source of income due to the termination of his employment at Cachar College, resulting in his current unemployment status.

## **ARGUMENTS FROM THE SIDE OF THE RESPONDENT**

The Counsel, on behalf of the Respondent, alleged that Article 21<sup>9</sup>, the respondent's fundamental right, has been infringed. He alleged that the petitioner deceived the victim by making false marriage promises or falsely being married and exploited to fulfill his desires. The petitioner fraudulently had sexual intercourse in the name of marriage. He made a false story that his parents wouldn't allow this marriage, so he had to hide it from everyone. The petitioner made the victim undergo an abortion twice by taking her consent fraudulently and coercively. The act of the petitioner causes grave damage to the respondent's physical and mental health.

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<sup>9</sup> Constitution of India 1950, art 21

## OBSERVATIONS AND DECISION OF THE COURT

**Bench Composition and Opinion:** The case was adjudicated by a Division Bench of the Hon'ble Supreme Court comprising Justice A.S. Anand and Justice Faizan Uddin. The judgment was delivered unanimously, with both judges assenting to the opinion rendered by Justice A.S. Anand. There was no dissenting opinion in this case.

## RATIO DECIDENDI

The Supreme Court determined that rape is not only an offense under the Indian Penal Code but also constitutes a severe infringement of the fundamental right to life and personal liberty as enshrined in Article 21 of the Constitution of India. Notably, the Court established that victims of rape are entitled to receive compensation as part of the criminal proceedings, even while the trial is ongoing. This was a victim-centric approach whose purpose was to support the victims of such grave cases and provide immediate relief from the psychological trauma.

The court's idea was that the victim of such grave offences should not suffer for long without any support while the judicial process continues. This ruling represents a departure from the traditional reliance on distinct civil remedies, thereby reinforcing the constitutional duty of the judiciary to provide effective redress for violations of fundamental rights. Furthermore, exercising its authority under Article 32<sup>10</sup>, the Court mandated that the accused pay an interim compensation of ₹1,000 per month to the victim throughout the proceedings, underscoring the judiciary's proactive role in ensuring justice and support for victims of sexual violence.

## OBITER DICTA

The Court observed that if the consent is obtained fraudulently or by misrepresentation, it is invalid in the eyes of the law. In this case, Subhra Chakraborty's consent to engage in sexual intercourse was obtained by fake marriage promises; therefore, her consent was not valid in the eyes of the law.<sup>11</sup> The Court broadened the scope of rape as it included those situations where the consent of the woman is obtained deceptively. The Court emphasized that the

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<sup>10</sup> Constitution of India 1950, art 32

<sup>11</sup> Saumya Rai, 'CHANGING PERSPECTIVES OF LAW OF RAPE: A JUDICIAL PARADIGM SHIFT' (2018) Bharati Law Review <[https://docs.manupatra.in/newsline/articles/Upload/00381771-B99D-4DDD-9BFD-455ACD79123E\\_Prof.\\_202-215\\_criminal.pdf](https://docs.manupatra.in/newsline/articles/Upload/00381771-B99D-4DDD-9BFD-455ACD79123E_Prof._202-215_criminal.pdf)> accessed 20 April 2025

offense of rape is not limited to physical force only. The act will also be considered as rape if the consent is obtained by manipulation or misrepresentation.<sup>12</sup> The offense of rape is beyond the physical violence.<sup>13</sup> The Court also gives importance to providing interim compensation to the victim during the trial, especially in the case of sexual assault. The purpose of this was to provide the victim relief from the trauma suffered.<sup>14</sup>

## ANALYSIS OF THE JUDGMENT

The Supreme Court emphasises the suffering of women under the tyranny of men. It also expanded the understanding of the context of rape and consent under Indian law. The ruling issued by the Court significantly advances the development of legislation about sexual violence, enhances the safeguarding of victims of sexual assault, and provides clarity regarding the concepts of consent in the context of fraud and deception. The Court's ruling is celebrated in its progressive approach, and the judgment is considered a landmark legal precedent that continues to influence legal matters of such nature.

One of the most significant aspects of this judgment is its victim-centric approach. It allows the victim time for relief from the emotional or psychological trauma. The court's decision also promotes the protection of the individual in an intimate relationship, especially against fraudulent and deceptive practices.

The Court validated the notion that deceitful promises, such as fake marriage promises, can undermine a person's free will and consent.<sup>15</sup> This way, the protection ensures that victims of sexual violence have legal recourse to seek justice, will also contribute to gender equality, and protect individuals in intimate relationships.

The Court also advanced or strengthened the understanding of consent beyond the physical force in cases of sexual violence. With this shift, the court also acknowledged the modern

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<sup>12</sup> Nikunj Kulshreshtha, 'A critical analysis of the standard of consent in rape law in India' (2023) 13(4) *Oñati Socio-Legal Series* <<https://doi.org/10.35295/osls.iisl/0000-0000-0000-1398>> accessed 20 March 2025

<sup>13</sup> *State of Punjab v Gurmit Singh* (1996) 2 SCC 384

<sup>14</sup> Dr. Shweta Joshi, 'A CRITICAL STUDY ON VICTIM COMPENSATION IN INDIA WITH SPECIAL REFERENCE TO PROCEDURE AND JUDICIAL RESPONSE IN INDIA' (2025) 12(3) *Journal of Emerging Technologies and Innovative Research* <<https://www.jetir.org/papers/JETIR2503038.pdf>> accessed 20 March 2025

<sup>15</sup> *Ibid*

complexities in the relationships and gave importance to the psychological factors of the case, where emotional manipulation and false promises can lead to harmful outcomes.

## CONCLUSION

Unfortunately, women in our nation have suffered from the patriarchal system of society and are victims of many social obstacles. But fortunately, they enjoy fair rights in the Constitution of India. They must have the dignity, dignity, and liberty to fulfill the positions that Nature has given them so that humanity will prosper. We alone have the creativity and power to mould the fate and character of people everywhere and anywhere in the universe. Therefore, such catastrophic events are not only crimes against a woman (victim), but they are also crimes against culture as a whole. It kills a woman's whole psyche and drives her through intense interpersonal crises. Just through her absolute will force, does she rehabilitate herself in the culture that looks down on her with derision and disgust, as she is conscious of the abuse? Hence, such acts of mishap are the most feared offence.

This action contravenes their Fundamental Right, specifically the Right to life as enshrined in Article 21<sup>16</sup>. Furthermore, the Court's focus on interim compensation for victims during the pendency of the case emphasises the victim's rights and ensures that the legal system does not further harm the survivor while they seek justice.

The Supreme Court agreed with the judgment of the High Court and further passed a landmark decision by taking Suo moto cognizance of the matter under Article 32<sup>17</sup> and granted interim compensation to the rape victim. It held rape to be a violation of the Fundamental Right to Life and thereby, compelled the petitioner to pay interim compensation to the respondent.

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<sup>16</sup> Constitution of India 1950, art 21

<sup>17</sup> Constitution of India 1950, art 32