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Influence of Power on Criminal Offences: A Critical Study of Rape Offences in Light of the Unnao Rape Case

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This paper aims to talk about how the powerful people use their influence and dominant position to evade any offence. This paper specifically deals with rape offences, taking into view the recent Delhi High Court Order of suspension of sentence during the pendency of appeal in the Unnao rape case. Further, it talks about the several problems faced by the victims of such offences in which the offender is a person in a dominant position over the victim. It talks about the threats given to the victim to take back the case, the role of police officers, the effect of the patriarchal thinking of the system and how the media plays a role in shaping any offence. In addition to these, other cases have been discussed in detail in which such power abuse was observed. The cases range from the Mathura, Kathua, and Ajmer Rape cases to the very recent Kolkata Rape case. In the end, this paper provides some practical solutions to reduce these power politics as much as possible.

Keywords: *rape, person in authority, dominant.*

INTRODUCTION

Dominance in the Online Cambridge Dictionary is defined as ‘a situation in which one company, product, etc., has more power, influence, or success than others’. On December 23, 2025, The Delhi High Court ordered to suspend the sentence of Kuldeep Singh Sengar during the pendency of the Appeal and released him on bail because he could not be brought into

the ambit of 'aggravated penetrative sexual assault' under Section 5 of the POCSO Act, punishable under Section 6 of the POCSO Act, or under Section 376(2) of the IPC, which provides for the punishment of imprisonment for remainder of his natural life. The High Court expressed satisfaction that the offence under Section 5(c) of the POCSO Act was not made out against the Convict on account of his not falling within the definition of a 'public servant'. The High Court therefore suspended the sentence of the convict.¹

'This being a prima facie observation, this Court does not deem it fit to go into the merits of the case as to whether the Appellant could be then held guilty of an offence under Section 3 of the POCSO Act or not'. The Court, for the time being, however, applying the law as it stood before the amendment to the POCSO Act in 2019, pointed out that the minimum punishment that a person can be given under Section 4 of the POCSO Act was 7 years, which the convict has already undergone.² This bail order of the rape case convict outraged people to a great extent, and this shows how powerful people are always successful in escaping their offences or delaying their offence until people forget it. They sometimes use their political power or their financial power to try to escape the offence. They use different methods to achieve their motives, which can include tampering with evidence, causing a delay in FIR registration or in other procedures, etc.

DISCUSSION OF UNNAO RAPE CASE

Brief Facts of the Case: On 04.06.2017 at about 8:00 PM, one Shashi Singh, who was the Accused No. 1, enticed and induced the Victim/Survivor to accompany her, on the pretext of providing a job at the residence of Sengar. The Victim/Survivor was taken by Shashi Singh inside the house of the Appellant from the rear portion of the property where there were no security guards, whereby the Appellant then forcibly raped the Victim/Survivor.³

Influence of his Political Power on the Case and Victim: As Sengar was a politically influential BJP leader, he was in a position to dominate the victim. He misused his powers to delay the procedures and get himself free of all the charges. He was a person in a dominant position over the victim both politically and financially, as he was offering her a job, and she

¹ Sucheta, 'Supreme Court stays Delhi HC's order suspending Kuldeep Sengar's sentence in Unnao Rape Case' SCC Online (29 December 2025) <<https://www.sconline.com/blog/post/2025/12/29/supreme-court-stays-delhi-hcs-order-suspending-kuldeep-sengars-sentence-in-unnao-rape-case/>> accessed 16 January 2026

² *Ibid*

³ *Kuldeep Singh Sengar v Central Bureau of Investigation* (2024) DHC:4733

and her family members were the voters of the same constituency for which he stood for elections. So, he had all the reasons and sources to dominate the victim and affect the procedures. He did that by following these methods:

Victim was Threatened: It is noted that the Victim/Survivor did not reveal the incident to anyone, as she was threatened by the Appellant, to the effect that if the Victim/Survivor spoke about it, some untoward harm would befall her. However, the Victim/Survivor later came to confide in her uncle, who then relayed the facts to his sister-in-law, being the Victim/Survivor's mother, at whose instance the FIR was registered.

Police was Influenced, which led to their Inaction: The local police did not take any action, mother of the Victim/Survivor was constrained to approach the Court of Additional Sessions Judge, POCSO Act, Unnao, UP, alleging inter alia that the Appellant threatened the Victim/Survivor to kill her and her family, were the details of the incident that occurred on 04.06.2017 revealed to anyone.⁴ Her ordeal first came to national attention in 2018 - a year after the assault, when she tried to set herself on fire outside Uttar Pradesh Chief Minister Yogi Adityanath's official residence, alleging police inaction.⁵

Harm caused to the Victim Family, which eventually led to Death: Conviction of the Appellant under Section 304(II) IPC is for the unfortunate incident of the demise of the father of the Victim/Survivor, who was assaulted by the brother of the Appellant and his henchmen in front of the jurisdictional police officers who remained mute spectators to the entire ordeal and falsely implicated him in a case causing him to be arrested. Thereafter, the Appellant used his political clout to ensure that the father of the Victim/Survivor did not get medical treatment, which eventually led to his death.

After the case began, the Threat Continued: Learned Counsel for the Victim has submitted that the Appellant was also arraigned as an accused in an incident involving a road accident that took place on 29.07.2019, which not only resulted in the Victim sustaining injuries but also ended up in the demise of the aunt of the Victim and the Victim's lawyer.

⁴ *Ibid*

⁵ Geeta Pandey and Sharanya Hrishikesh, 'India top court orders ex-lawmaker to stay in jail over rape' *BBC* (29 December 2025) <<https://www.bbc.com/news/articles/c2lvjx2dqgo>> accessed 16 January 2026

Trial court's understanding of 'Public Servant': While dealing with the question as to whether the Appellant is a public servant for the POCSO Act or not, the learned Trial Court, while answering in the affirmative, observed that a public servant enjoys an official position, status and is mandated to perform certain duties under the Constitution, being a state functionary. The definition or import of the words public servant is to be understood in the overall context of the POCSO Act, and by doing so, the conclusion that emerges is that if an MLA or elected representative is found to have committed such offence, he would be covered by the rigors of Section 5(c) of the POCSO Act, and only this interpretation would be in line with Section 42A of the POCSO Act.

Delhi High Court on 'Public Servant': The High Court had not agreed with the trial court's conviction of Sengar under Section 5(c) of the Protection of Children from Sexual Offences (POCSO) Act. Section 5(c) classified a rape committed by a 'public servant' on a child to be an aggravated form of sexual assault. The punishment in such cases would be a minimum of 20 years, extending up to the remainder of the convict's natural life. The High Court had explained that the POCSO Act did not define a 'public servant', and imported the meaning of the term from the erstwhile Indian Penal Code (IPC). The IPC, in turn, did not consider an MLA as a 'public servant'. This stream of logic had led the High Court to conclude on November 23 that Sengar was wrongly convicted by the trial court under Section 5(c) for 'aggravated penetrative sexual assault' in the Unnao case, and that he should have been ideally found guilty under Section 3 of the Act, which dealt with 'penetrative sexual assault'.⁶

After the Delhi High Court granted him bail, the survivor told The Hindustan Times that she felt 'extremely unsafe'. The survivor cited past incidents to explain her concerns, saying, 'He is a powerful man. He would get his men to do his dirty work for him. When my car met with an accident in which two of my relatives and my lawyer died in 2019, Sengar didn't do it himself. His henchmen did. Now that he is out, we are all unsafe.'⁷

⁶ Krishnadas Rajagopal, 'Unnao rape case: Supreme Court stays suspension of sentence of Sengar, asks why MLA is not a 'public servant' under POCSO Act' *The Hindu* (29 December 2025)

<<https://www.thehindu.com/news/national/sc-stays-unnao-rape-convict-sengars-suspension-of-life-sentence/article70448721.ece>> accessed 16 January 2026

⁷ 'Protest outside Delhi HC over bail in Unnao rape case, survivor's mother says 'hang the guilty'' *Hindustan Times* (26 December 2025) <<https://www.hindustantimes.com/india-news/big-protest-in-delhi-over-bail-in-unnao-rape-case-survivors-mother-says-hang-the-accused-kuldeep-sengar-bjp-101766732017792.html>> accessed 16 January 2026

Supreme Court's interference on the bail order: Considering all these facts and issues, the Supreme Court, on 29th December, 2025, made an order staying the bail orders and stated that it usually did not interfere with an order of bail. However, the Unnao case revolved around a set of 'unique facts and circumstances', including the fact that Sengar was separately found guilty of the custodial death of the survivor's father.

'This interpretation would mean that a police constable or a patwari can be put away in jail for the rest of his natural life under the 'aggravated penetrative sexual assault' provision, while an MLA would be released because the term 'public servant' in the POCSO Act does not include an MLA or MP?' the Chief Justice asked.

Aftermaths of Filing the Case: At first, Sengar, who is an important political figure in the state of Uttar Pradesh, enjoyed cover through power structures relevant within his state. The BJP only kicked him out of the party in 2019 following a great outcry from both citizens and the media alike. By delaying action against this man, it demonstrated how politicians could use their power over judicial systems to obstruct justice because of political loyalty.⁸

Now the main question arises: should the spirit of law just fade away because of the word of law? Just because he couldn't be covered under the definition of a public servant, should he escape the offence he has committed? It is very clear from the facts of the case that he was definitely in a more dominant position than the victims, and on several instances, he has misused his dominance and tried to threaten the victim. So, he should not escape such a level of offence due to some lapses in the definition of who would come under a 'public servant'. If he were to be released now, then it would set a very bad precedent for society, and anyone with some political power would believe that they can escape any offence easily.

OBSTACLES IN THE WAY OF RAPE VICTIMS, IN CASE OF OFFENCE BY A DOMINANT PERSON

Corrupt Police Officers: When the accused is a person of great political or financial power, then the police officers often support them in all the ways they can. They delay the FIR filing process, don't conduct the investigation properly, and tamper with the major evidence through which a case could have been established. They take bribes from the accused, and

⁸ Sakkcham Singh Parmaar, 'Politicization of Rape in India: A Clash Between Justice and Power' (2024) SSRN <<https://ssrn.com/abstract=5019994>> accessed 16 January 2026

instead of working for justice, they start working for the money and the source through which it comes. Many times, police officers are themselves involved in the crime, which makes it very difficult for anyone to lodge a complaint. 'Were the police interested in tracing our harassers or were they playing harassers themselves?' asked The Telegraph, 2017. People have lost their trust in police officers, and that's why many of the crimes go unreported.

'If you're a woman in distress, the last thing you want to do is go to the police,' said Vrinda Grover, a human rights lawyer based in New Delhi. Human Rights Watch found that police do not always adhere to these rules. They resist filing the First Information Report (FIR), the first step to initiating a police investigation, especially if the victim is from an economically or socially marginalised community. Police sometimes pressure the victim's family to 'settle' or 'compromise,' especially if the perpetrator is from a powerful community.⁹

Ganguly asserts that rape cases are influenced or controlled by politics in India, where police officers occasionally decline to take down complaints, especially if the accused are politically connected or come from influential societies. It looks at how caste councils and political pressures affect the resolution process, making some victims withdraw their statements or modify them.

The lack of political connections or the inability to locate oneself among marginalised communities can make it difficult for victims to get justice. For example, caste, religion, and socio-economic status can affect the law's ability to convict.

Patriarchal and Misogynist Mindset: The society, the police officers, the judiciary, and advocates are all part of this patriarchal and misogynist mindset, and due to this mindset, many victims fear reporting the crime. All these authorities are authorities of power and influence over the victim, and when these authorities have a mindset like that, then the victim would feel helpless. It is very difficult for a victim to gather the courage to report a crime, and when they do, these authorities stand in their way and make them doubt their decisions, instead of supporting them.

⁹ Jayshree Bajoria, 'Everyone Blames Me: Barriers to Justice and Support Services for Sexual Assault Survivors in India' (*Human Rights Watch*, 08 November 2017) <<https://www.hrw.org/report/2017/11/08/everyone-blames-me/barriers-justice-and-support-services-sexual-assault-survivors>> accessed 25 January 2026

Patriarchal legacies within the whole system of the police and their attitude towards women, especially in rape cases, make it difficult for survivors to approach the police. Role of police in reporting a crime to the investigation, forensic evidence and till Court Proceedings, their existence and work style are more important in the cases of Sexual Violence. They are the core part of any investigation of crime. Rape Survivors are forced to endure at the initial reporting stage of the crime with the police and their system.¹⁰ Some defence lawyers and judges still use language in courtrooms that is biased and derogatory toward sexual assault survivors. 'The attempt at shaming the victim is still very much prevalent in the courts,' said Rebecca Mammen John, a senior criminal lawyer in Delhi.

Counter Charges of Defamation to Silence the Victims: The accused person also has this way of threatening the person by making counter charges of defamation against them, so that they don't raise their voice.

DARVO (Deny, Attack, Reverse Victim and Offender) is a perpetrator tactic first described by Frey. Based on her observations of sex offenders, Freyd proposed that perpetrators deny committing any wrongdoing, attack their victims' credibility, and cast their victims as the real aggressors and themselves as the real victims when held accountable or confronted with their abusive behaviour. DARVO is a tactic used to urge observers to believe that the only real wrongdoing is a false accusation – a terrible injustice brought on by someone pretending to be a victim. The presence of this alternative and oftentimes compelling narrative put forth by an alleged perpetrator can generate confusion – who is really to blame? Did the abuse even happen? By eroding trust in victims, DARVO's purpose is to enable perpetrators to deflect at least some blame and responsibility.¹¹

Perpetrators sometimes use defamation lawsuits as a tool to further harm victims. Defending against a defamation claim can be costly, and not just financially. It can be a form of extended abuse as it drags through the legal system. Lawsuits take up time and energy. They require the defendant's attention and often cause stress. Survivors involved in a defamation battle may even be asked invasive questions under oath about what happened by attorneys

¹⁰ Manish Kaithwas and Neena Pandey, 'Incompetency and Challenges of Police in Rape Cases' (2018) 7(1) Social Work Chronicle 51-70
<<http://www.publishingindia.com/GetBrochure.aspx?query=UERGQnJvY2h1cmVzfC80ODg4LnBkZnwwNDg4OC5wZGY=>> accessed 25 January 2026

¹¹ Sarah J Harsey and Jennifer J Freyd, 'Defamation and DARVO' (2022) 23(5) Journal of Trauma & Dissociation <<https://doi.org/10.1080/15299732.2022.2111510>> accessed 25 January 2026

representing their perpetrators, which can resurface painful memories and further traumatise them. There is also the financial cost of legal defence and payment of damages if the plaintiff wins the case.¹²

Media Shaping the Offence: Nowadays, the media impacts every offence. It can either make any person guilty or innocent of any offence. People don't read the cases in detail; rather, they focus on what the media tells them, and it can make a narrative against anyone. The accused can bribe media channels if they have more power and influence, and the media would then run a narrative in their favour. So, this can impact the case before the actual verdict is out. It can also stigmatise the victim further. The Aquaviva study demonstrates that media messages are powerful and that they can shape people's perceptions of reality. The media can silence victims in the way they frame their articles, shaming or blaming the victim of sexual violence, attacking the victim's character by focusing on their actions as opposed to the perpetrator.

Threatening the Victims to not Confess or Report Anything: Victims are threatened by the accused in several ways. Sometimes they capture their pictures and blackmail them that they would leak it, sometimes they threaten them to cause harm to their families, as was done in the Unnao rape case. In one way or another, these people in power always stand in the way of victims so that they are unable to report the offence, and if it is reported, then they stand in the way of further procedures so that the victim drops the case. In the situation where the accused should fight, it's always the victim who fights the situation to get justice.

Parents told Human Rights Watch that they feared for their daughters' safety after filing police complaints because the accused received bail and then made threats against the girls. Often, girls end up curbing their own activities that take them out of their homes, or parents put greater restrictions on their movement.

People with High Political and Financial Dominance always get the Best Legal Defence: People who have so much backing politically and financially, they always end up having the best legal fraternity. They hire top advocates to fight for them, and they even find every luxury in situations like these, too. They can get bail very easily, or they can even apply for

¹² Hayley Forrestal, 'What Sexual Assault Survivors Should Know About Defamation' (CAASE, 07 June 2022) <<https://www.caase.org/sexual-assault-survivors-defamation/>> accessed 17 January 2026

anticipatory bail to get saved from any possibility of being arrested. The best advocates always have the potential to turn the case in their favour. It is always the victim who suffers at the end, even after being at no fault.

Sole Victim Testimony makes the case more Vulnerable: Generally, victims are the only testimony present for the offence, as it is a crime which occurs mostly in private spaces, and the only way to determine the same is through circumstantial evidence. The accused in such cases only have a task to turn the testimony in their favour by whatever means possible; they would again threaten the victim and their family, would offer money, etc. Once they are done with this task, the case will automatically turn in their favour.

Stigmatisation of Victim: Human Rights Watch also found that women and girls in India are often afraid to report attacks because of fear of being stigmatised, and because they feel unable to overcome institutional barriers in a criminal justice system that offers no protection to victims or witnesses.

Survivors, particularly among marginalised communities, find it difficult to register police complaints. They often suffer humiliation at police stations and hospitals, are still subjected to degrading tests by medical professionals, and feel intimidated and scared when the case reaches the courts. Said Anjali Dave of the School of Gender Studies at the Tata Institute of Social Sciences in Mumbai: 'Rape is still constructed as women's shame and there are so many social barriers for women to talk about it.'

ANALYSIS OF LANDMARK RAPE CASES AND HOW POWER DYNAMICS IMPACTED THEM

Mathura Rape Case, 1972: On March 26, 1972, Gama lodged a report at Police Station Desai Gunj alleging that Mathura had been kidnapped by Nushi, her husband Laxman, and the said Ashok. The report was recorded by Head Constable Baburao, at whose instance all three persons complained against, as well as Mathura, were brought to the police station at about 9 p.m., and he recorded the statements of the two lovers. By then, it was about 10.30 p.m., and Baburao told them to go after giving them a direction that Gama shall bring a copy of the entry regarding the birth of Mathura recorded in the relevant register, and he left for his

house as he had yet to take his evening meal. At that time, the two appellants were present at the police station.¹³

After Baburao had gone away, Mathura, Nushi, Gama and Ashok started leaving the police station. The appellants, however, asked Mathura to wait at the police station and told her companions to move out. The direction was complied with. Immediately thereafter, Ganpat (appellant) took Mathura into a latrine situated at the rear of the main building, loosened her underwear, lit a torch and stared at her private parts. He then dragged her to a chhapri, which serves the main building as its back verandah. In the chhapri, he felled her on the ground and raped her despite protests and stiff resistance on her part. He departed after satisfying his lust, and then Tukaram appellant, who was seated on a cot nearby, came to the place where Mathura was and fondled her private parts. He also wanted to rape her, but was unable to do so for the reason that he was in a highly intoxicated condition.

Nushi, Gama and Ashok, who had been waiting outside the police station for Mathura, grew suspicious when they found the lights of the police station being turned off and its entrance door being closed from within. They went to the rear of the police station to find out what the matter was. No light was visible inside, and when Nushi shouted for Mathura, there was no response. The noise attracted a crowd, and sometime later, Tukaram emerged from the rear of the police station and, on an enquiry from Nushi, stated that the girl had already left. He himself went out, and shortly afterwards, Mathura also emerged from the rear of the police station and informed Nushi and Gama that Ganpat had compelled her to undress herself and had raped her.

Sessions Court's Opinions: The learned Sessions judge found that there was no satisfactory evidence to prove that Mathura was below 16 years of age on the date of the occurrence. He added, however, that there was a world of difference between 'sexual intercourse' and 'rape', and that rape had not been proved even though the defence version, which was a bare denial of the allegations of rape, could not be accepted at its face value. He further observed, finding Nushi angry and knowing that Nushi would suspect something fishy, she (Mathura) could not have very well admitted that of her own free will, she had surrendered her body to a police constable. The crowd included her lover Ashok, and she had to sound virtuous before

¹³ *Tukaram and Anr v State of Maharashtra* (1979) 2 SCC 143

him. This is why this is a possibility; she might have invented the story of having been confined at the police station and raped. Mathura is habituated to sexual intercourse, as is clear from the testimony of Dr Shastrakar.

High Court's views on the case: 'Besides the circumstances that emerge from the oral evidence on the record, we have to see in what situation Mathura was at the material time. Both the accused were strangers to her. It is not the case of the defence that Mathura knew both these accused or any of them since before the time of the occurrence. It is, therefore, indeed, highly improbable that Mathura on her part would make any overtures or invite the accused to satisfy her sexual desire. Indeed, it is also not probable that a girl who was involved in a complaint filed by her brother would make such overtures or advances. The initiative must, therefore, have come from the accused, and if such an initiative comes from the accused, indeed, she could not have resisted the same on account of the situation in which she had found herself, especially on account of a complaint filed by her brother against her, which was pending enquiry at the very police station. Mere passive or helpless surrender of the body and its resignation to the other's lust induced by threats or fear cannot be equated with the desire or will, nor can it furnish an answer by the mere fact that the sexual act was not in opposition to such desire or volition. On the other hand, taking advantage of the fact that Mathura was involved in a complaint filed by her brother and that she was alone at the police station at the dead hour of night, it is more probable that the initiative for satisfying the sexual desire must have proceeded from the accused, and that victim Mathura must not have been a willing party to the act of the sexual intercourse. Her subsequent conduct in making a statement immediately not only to her relatives but also to the members of the crowd leaves no manner of doubt that she was subjected to forcible sexual intercourse.'

The Controversial Verdict by Supreme Court: The Supreme Court in Tuka Ram v State of Maharashtra (also known as Mathura's rape case) acquitted the two accused policemen on the ground that the victim has raised no alarm, there was no visible injury mark on her person thereby it could be assumed that she has consented and not protested, she is habituated to sex, 'she might have incited the two drunk policemen' and therefore no rape is committed. Immediately after this verdict was pronounced, four legal luminaries wrote an open letter to

the Chief Justice of India protesting against the manner in which the accused had been acquitted and the concept of consent had been defined by the Court.¹⁴

This situation shows how difficult it would have been for the victim who was firstly abused by the persons who are meant to protect them, and secondly, she could not even get justice for such an offence. The police officers were in authority, especially when a case was lodged against Mathura in the same police station. They misused their power, and even after that, they remain free. This shows how people who are in authority are the ones involved in the crimes and how they even escape that. The system meant to punish them, protects them. The judiciary also made several derogatory comments in this case, further sensitising the victim. There is a depiction of patriarchal bias of the judiciary and victim-blaming in this case.

Aftermath of the case: Subsequently, the Criminal Law (Second Amendment) Act, No. 46, was introduced in the year 1983, and the provisions relating to rape law were amended. During the process, attempts were made to elaborate on the concept of consent, to put the onus of proving the guilt on the accused rather than the victim, believing the victim's version, emphasising not taking into account the past sexual history of the victim during the trial, and similar reforms were made.

Ajmer Rape Case, 1992: The case of the prosecution is that several reports appeared in the newspapers regarding a sex scandal in the city of Ajmer, to the effect that young school and college girls were lured by a gang which misled them and took them to places for parties, etc., whereafter they were forcibly subjected to sexual exploitation by them. The girls were photographed in obscene poses and thereafter blackmailed by threatening their exposure and adopting other means. When this fact came to the notice of the administration, one Hari Prasad Sharma, who was the then Deputy Superintendent of Police (North), Ajmer, was entrusted with the task of conducting a secret enquiry into the whole affair and submitting a report. After enquiring, he submitted his report to the Superintendent of Police. After considering the report, the same was lodged at Police Station Ganj, Ajmer, based on which a formal First Information Report was registered. After investigation, the accused were put up

¹⁴ Shalu Nigam, 'From Mathura to Farooqui Rape Case: The Regressive Patriarchy Found Its Way Back' (2017) SSRN <<https://ssrn.com/abstract=3049756>> accessed 16 January 2026

for trial before the Sessions Judge, Ajmer, variously charged under Sections 120-8, 292, 292/120-B, 507/120-8, 376 and 376/120-B IPC.¹⁵

Sangita (PW 1) was studying in the XIIth class in the year 1990 in Savitri School at Ajmer. It appears from her evidence that she entertained an ambition to join politics. She had talked about her ambitions with some of her family friends. She was introduced to one Deepak Chaudhary with a view to getting some assignment in the Congress Party. He had assured her that since he knew some important people, he would introduce her to them. One day, when she was along with her younger sister, Deepak Chaudhary, and another friend, Rajesh, proceeding towards the bus stand from her house, a white Maruti car, which had two or three occupants who seemed to know Deepak Chaudhary, came from the opposite direction.

They stopped the vehicle and offered a lift to Deepak Chaudhary, who accepted the offer. All of them sat in the car, and she identified two of them, namely, Nafees and Farukh. She was introduced to those two persons by Deepak Chaudhary, and ultimately, Nafees offered to get her an assignment in the Congress Party so that she could begin her political career. In fact, a few days later, one Anwar Chisti came in a car and introduced himself as a friend of Nafees. He gave her some forms to be filled out, which were required by the Congress Party, and also requested her to give him a passport-size photograph. She later gave her photograph to Nafees directly.

Some days later, Farukh and Nafees met her near the Collectorate while she was on her way to the school. They had come in a Maruti van. One day, when she was going to school, Nafees told her that he would drop her off at the school, and since she was getting late, she accepted the offer. Farukh was also in the car. Instead of dropping her at the school, they took her to a farmhouse where Anwar and Ishrat were also present.

She went with Nafees to another room to discuss her joining the Congress Party while Farukh and Anwar waited outside. Nafees hugged and kissed her despite her opposition, to which she protested and came out of the room. Some moments later, Nafees also came out of the room. Thereafter, when she went inside the room to bring her dupatta, Nafees pushed her inside the room and bolted the door. He asked her to take off her clothes, or she would be killed. He felled her on the cot and attempted to tear off her clothes. Thereafter, he raped her

¹⁵ *Mojjullah @ Puttan v State of Rajasthan* (2004) 2 SCC 90

and told her that she should not talk about it to anyone. She was thereafter taken in the car and dropped off at her house. Seven days later, she again met Nafees near the Collectorate, and he warned her that if she mentioned the earlier incident to anyone, anything could happen.

She further deposed that she knew one Madhu Bala, who was also studying in Savitri School. One day, when they were going together, Nafees met them on the way. Farukh and Anwar were also with him. They stopped them and started talking to them. They enquired about Madhu, and she introduced Madhu to them. Some days later, Madhu came to her house and started weeping. She told her that Nafees, etc., had raped her and that they had also photographed her.

They had told her that if she brought her (Sangita), then they would return the photographs. With a view to helping Madhu, she had accompanied her to get the photographs returned. In these circumstances, she and Madhu had told one Rajendra Singh Rajawat, a Police Constable, who introduced them to one Shri Soni working in the Special Branch of the police. They had promised that they would carry the matter to a higher level and deal with the situation. They disclosed everything to Soni, but thereafter, a large number of phone calls were made by different persons, including ladies who were unknown to her. They used to question why she had reported the matter to the police. Rajendra Singh Rajawat had once asked them to accompany him to recover the photographs, and therefore, she, along with Madhu, had gone to the Dargah area. While Rajendra Singh Rajawat was at some distance from them, one person came and told Madhu that the game which they were playing was a game they had played long ago.

Several other girls were taken to the farm by Sangita; some were raped, some were touched inappropriately, and some of the victims turned hostile in court. Sangita was blackmailed and forced to bring other girls, whom she knew, and also, the police were of no help.

Journey of the Case and Convictions: There were eleven accused persons against whom a charge sheet was submitted by the police. Out of them, Naseem absconded after he was released on bail and therefore could not be tried along with the remaining accused. One Purshottam died only a few days after he was released on bail. Farukh Chisty was found to be mentally unbalanced and, therefore, the trial against him was suspended. The remaining

eight accused were tried by the Sessions Judge, Ajmer. The sessions judge found them all guilty.

In their appeal to the High Court, they were acquitted of all the charges. The case went to the Supreme Court, and the Supreme Court stood on the decision of the High Court only, but it reduced their sentences.

Abuse of Power by them to Escape their Offences: The accused men used their power and influence to deceive, threaten and lure their victims, said prosecution lawyer Virendra Singh Rathore. Mr Rathore explained that the trial had dragged on for 32 years because of several factors, including the staggered arrests of the accused, alleged delaying tactics by the defence, an underfunded prosecution and systemic issues within the justice system. Mr Rathore believes this was a mistake, as when the police finally filed charges against the six in 2002, they were still on the run. Two of them were arrested in 2003, another in 2005 and two more in 2012, while the last one was apprehended in 2018. Mr Rathore recalled how often the survivors, who were now in their 40s and 50s, would scream at the judge, asking why they were being dragged to court, years after they had been raped.¹⁶

They took compromising photographs and videos of their victims and used them to blackmail them into silence or bring in more victims, he added. 'In one instance, the accused invited a man they knew to a party and got him drunk. They took compromising photos of him and threatened to make them public if he didn't bring his female friends to meet them,' he said. 'That's how they kept getting victims.'

The accused also had strong political and social connections. Some of them were associated with a famous dargah (Muslim religious shrine) in the city. 'They roamed around on bikes and cars in what was a small-town city at the time,' Mr Gupta said. 'Some people were afraid of these men, some wanted to get closer to them, and some wanted to be like them.' He said that it was their power and connections that had helped keep the case under wraps for months. But there were people - like those working at the studio where the photos were developed and even some police officers - who were aware of what was going on. One day, some of the photographs taken by the accused reached Mr Gupta. They had a chilling effect

¹⁶ Cherylann Mollan, 'Waiting 32 years for justice in an Indian rape case' *BBC* (30 August 2024) <<https://www.bbc.com/news/articles/cr40dzlezp7o>> accessed 17 January 2026

on him. 'Here were some of the city's most powerful men committing heinous acts with innocent, young girls - and there was proof of it. But there was no major reaction from the police or the public,' he said. Along with swagger, these men had money, social influence, and political power. Both Farooq and Nafis were top leaders of the Youth Congress in Ajmer and were believed to have friends in high places.¹⁷

Kathua Rape Case, 2018: Another significant case was the Kathua rape and murder of 2018. In this horrifying incident, an eight-year-old girl from the Bakarwal tribe was kidnapped, gang-raped and killed in Kathua, Jammu and Kashmir.

When she went missing on 10 January, her family was living in a village around 72km (45 miles) east of Jammu city. On that afternoon, her mother recalls, Asifa went to the forest to bring home the horses. The horses returned, but Asifa did not. Ms Naseema informed her husband. He and some neighbours started looking for her. Armed with flashlights, lanterns and axes, they went deep into the forest and searched through the night. But they could not find her.¹⁸

Two days later, on 12 January, the family filed a police complaint. But, according to Mr Pujwala, the police were not helpful. One of the police officers, he alleges, said Asifa must have 'eloped' with a boy. As news of the crime spread, Gujjar staged protests and blocked a highway, forcing police to assign two officers for the search. One of those who was assigned, Deepak Khajuria, was himself arrested in connection with the crime.

Five days later, Asifa's body was found. 'She had been tortured. Her legs were broken,' recalled Ms Naseema, who had rushed to the forest along with her husband to see the body. 'Her nails had turned black, and there were blue and red marks on her arm and fingers.' According to the investigators, Asifa was confined in a local temple for several days and given sedatives that kept her unconscious. The charge sheet alleges that she was 'raped for days, tortured and then finally murdered'. She was strangled to death and then hit on the head twice with a stone.

¹⁷ Jyoti Yadav, 'Gangraped in teens, visiting courts as grandmothers: 1992 Ajmer horror is an open wound' *The Print* (29 January 2022) <<https://theprint.in/ground-reports/gangraped-in-teens-visiting-courts-as-grandmothers-1992-ajmer-horror-is-an-open-wound/814073/>> accessed 17 January 2026

¹⁸ 'Asifa Bano: The child rape and murder that has Kashmir on edge' *BBC* (12 April 2018) <<https://www.bbc.com/news/world-asia-india-43722714>> accessed 17 January 2026

Influence of Power in this Case: What made this case particularly controversial was the communalization of the crime. Two BJP ministers from the Jammu and Kashmir government, Chaudhary Lal Singh and Chander Prakash Ganga, took part in protests held by Hindu Ekta Manch that defended the accused. These ministers requested a CBI investigation, suggesting that local police, who had arrested suspects, were biased. Their involvement in these protests added a religious dimension to the crime, making it a rallying point for Hindu-Muslim tensions. After widespread national outrage, Lal Singh and Ganga were forced to resign, but their actions revealed how political figures could manipulate communal sentiments in a sexual violence case. The party's MLAs from Kathua and Hiranagar constituencies, Rajeev Jasrotia and Kuldip Raj, were also present at the rally.¹⁹

Investigators said that Sanjhi Ram, a 60-year-old retired government officer, allegedly planned the crime with the help of police officers Surinder Verma, Anand Dutta, Tilak Raj and Deepak Khajuria.²⁰ Investigators allege that Mr Khajuria and the other police officers - some of whom lodged the complaint and accompanied the family in the search - washed Asifa's bloodied and mud-spattered clothes before sending them to a forensic lab.

Eight people, including two special police officers, have been arrested in connection with the rape and murder case. Two policemen, one of them a sub-inspector, have also been arrested for allegedly destroying evidence during the initial investigation.²¹

Also, there was high drama outside the court of the Chief Judicial Magistrate in Jammu and Kashmir's Kathua after lawyers tried to stop Crime Branch officials from filing a chargesheet into the rape and murder of an eight-year-old nomad girl. Despite a massive police presence, the bar association of Kathua district protested on the court premises and stopped Crime Branch officials from entering the court. Later, the Crime Branch filed a chargesheet against seven of the eight accused in the case after reinforcement was rushed to the court to help the officers enter the premises. The Bar Association has been supporting the Hindu Ekta Manch,

¹⁹ 'Jammu: Two BJP ministers attend rally in support of Kathua rape-murder suspect' *Scroll* (02 March 2018) <<https://scroll.in/latest/870575/jammu-two-bjp-ministers-attend-rally-to-protest-arrest-in-kathua-rape-murder-case>> accessed 17 January 2026

²⁰ 'Kathua child rape and murder: Three men given life sentences' *BBC* (10 June 2019) <<https://www.bbc.com/news/world-asia-india-48552354>> accessed 17 January 2026

²¹ Nazir Masoodi, 'Shielding Jammu Child Rape, Murder Accused, Lawyers Block Chargesheet' *NDTV* (10 April 2018) <<https://www.ndtv.com/india-news/shielding-jammu-child-rape-murder-accused-lawyers-block-chargesheet-1834928>> accessed 17 January 2026

which is spearheading a protest against the Crime Branch. They believe that the accused men wished to terrorise the Gujjar community into leaving Jammu. The shepherds use public and forest land in Jammu for grazing, which has recently brought them into conflict with some Hindu residents in the region.

The Gujjars wanted to bury Asifa in a graveyard where they had purchased some land a few years ago and had already buried five people. But when they arrived there, Mr Pujwala said, they were surrounded by Hindu right-wing activists who threatened them with violence if they were to continue with the burial. 'We had to walk seven miles to bury her in another village.'

This case is a proper example which shows how the power impacts any offence. This is a religion-based offence which was done to terrorise the tribe. Many people who had political influence or connections were involved in this; the police officers were also part of the offence. Firstly, the police officers tried to tamper with the evidence; secondly, when the chargesheet was finally made, there were protests by advocates in the court to not file the same. This shows the level of influence present that even advocates were against the filing of the case. When this was not enough, the family of the victim was harassed when they were burying their daughter. They organised rallies in which the politicians openly supported the accused, which proves the amount of pressure on the victim's family. They have lost their child also, and still suffer this injustice from the authorities meant to protect them.

In Kashmir, this script has become a little too common: Calling for probes in response to outrage against violations and then delaying the process until the incident fades from public memory and fatigue sets in because of a paralysed system of judicial redress.²²

Kolkata Rape Case/ RG Kar Rape Case, 2024: The trainee doctor's murder last August at the state-run hospital in Kolkata in West Bengal state sent shockwaves across the country.²³ This was a very widespread case which shook all the people on a very large scale. There were several protests for the same.

²² Samreen Mushtaq and Mudasir Amin, 'Why the Kathua Case Cannot Be Seen Outside of India's Nation-building Project' (2018) 53(19) Economic and Political Weekly <<https://www.epw.in/engage/article/why-kathua-case-cannot-indias-oppressive-nation>> accessed 17 January 2026

²³ Cherylann Mollan, 'Life in jail for Indian man convicted of doctor's rape and murder' *BBC* (20 January 2025) <<https://www.bbc.com/news/articles/cwy7dyq4ezyo>> accessed 17 January 2026

On 9 August 2024, a 31-year-old had gone to sleep in the seminar hall of the RG Kar Medical College and Hospital after a night shift. Her half-naked, severely injured body was later discovered near a podium by a colleague. The autopsy report indicated that the woman had been strangled and had injury marks that showed she had fought back.

The next day, Kolkata Police arrested the key and sole accused, Sanjay Roy. On 12th August, Dr Sandip Ghosh, RG Kar Medical College and Hospital principal steps down from his position as the principal who was reinstated in Calcutta National Medical College but could not sustain that post due to huge protests.²⁴

West Bengal Chief Minister Mamata Banerjee had given Kolkata Police six days to complete the investigation into the chilling rape and murder of a 31-year-old doctor at a state-run hospital. If the city police cannot finish their probe by Sunday, she said Monday, the state government would recommend a CBI investigation into the incident that has shaken the state and the country.²⁵

But five days before the Chief Minister's deadline to the police, the Calcutta High Court intervened and ordered that the case be transferred to the central agency at once. This was a rare occasion when a court ordered the transfer of the case during the first hearing in the matter. The bench led by Chief Justice TS Sivagnanam noted that there has been no significant progress in the investigation so far and flagged the possibility of destruction of evidence. The court also noted serious lapses on the part of the hospital administration and slammed the former Principal, whose resignation and swift reinstatement in a key role have sparked a row.

The court noted that 'under normal circumstances', it could have asked for a report from the investigators. 'However, the case on hand is peculiar, and the facts and circumstances warrant appropriate orders without further loss of time. We are convinced to say so because even after a lapse of five days there appears to be no significant progress in the investigation, which ought to have happened by now and by further loss of time, we would be well-

²⁴ 'A Year Since RG Kar Horror: A Look At How Doctor's Rape-Murder Shook India' *NDTV* (09 August 2025) <<https://www.ndtv.com/india-news/rg-kar-medical-college-hospital-rape-murder-anniversary-1-year-protests-today-timeline-cbi-9051247>> accessed 17 January 2026

²⁵ Saikat Kumar Bose, 'Why Kolkata Doctor's Rape-Murder Case Went To CBI: Court's Tough Remarks' *NDTV* (14 August 2024) <<https://www.ndtv.com/india-news/kolkata-doctor-rape-murder-rg-kar-medical-college-why-kolkata-doctors-rape-murder-case-went-to-cbi-courts-tough-remarks-6333533>> accessed 17 January 2026

justified in accepting the plea raised by the writ petitioners, more particularly, the parents of the victim that there is every possibility that the evidence will be destroyed and the witnesses will be influenced etc,' the order says.

On 17 August 2024, healthcare services were hit across the country as doctors join Indian Medical Association's call for a 24-hour withdrawal of medical services in solidarity with the victim. After this step of doctors' Supreme Court stepped in and took cognisance of the case. Three-judge bench criticises Mamata Banerjee-led government, Kolkata Police and hospital administration over a delay in filing an FIR. The court also forms a 10-member task force to address the safety of healthcare professionals.

On 7th October 2024, finally, the chargesheet was filed by CBI and on 11 November, the trial began. When the trial concluded, the court convicted Roy and gave him life imprisonment. The Central Bureau of Investigation (CBI) - India's premier crime agency that investigated the case - had demanded the death penalty for Roy. But on Monday, the judge disagreed, saying he had considered all the evidence and did not consider the case to be a 'rarest-of-rare' crime. Before announcing the sentence, the judge also gave Roy a chance to speak in court. He claimed that he was innocent and was being 'falsely implicated' in the case. Without taking any names, Roy alleged that there were 'others involved in the crime'.

Now, the CBI has applied in High Court for Death Penalty of accused. Gang rape has been ruled out by the CBI in the High Court, and Roy claims his innocence.

Destruction of Evidences by Person in Authority: The Central Bureau of Investigation (CBI) on Saturday (September 14, 2024) night arrested Tala police station officer-in-charge Abhijit Mondal and former principal of R.G. Kar Medical College and Hospital (RGKMCH) Sandip Kumar Ghosh on charges of tampering with evidence and delaying filing of FIR in connection with the rape and murder of a woman doctor at RGKMCH in Kolkata.²⁶

²⁶ Moyurie Som, 'Kolkata rape and murder case: CBI arrests police officer, ex-R.G. Kar principal Sandip Ghosh' *The Hindu* (15 September 2024) <<https://www.thehindu.com/news/national/west-bengal/cbi-arrests-police-officer-rg-kar-principal-in-kolkata-rape-and-murder-case/article68643255.ece>> accessed 17 January 2026

In its petition, the CBI charged Ghosh with deliberate destruction of evidence in the case. It said that Ghosh and others allegedly delayed declaring the victim's death as well as filing a first information report, which led to the destruction of vital evidence.²⁷

Sources in the CBI said the agency has received enough evidence on how Mondal tampered with evidence on the rape and murder of the 31-year-old postgraduate trainee doctor. They also came to know that the entire process before the post-mortem was controlled by the police station, and the CCTV footage inside the police station on that day was also tampered with.²⁸

These people, the principal of the hospital and the police station officer in charge, were persons of authority, and they had dominance over the case of the victim; instead of supporting the smooth functioning of the trial, they tampered with the evidence. Those evidences which could turn the case in any favour. By doing these things, they are protecting the actual perpetrator, and once again, they have depicted how people in power can influence the crimes.

SOLUTIONS TO PREVENT THE POWER ABUSE

The influence of power on the victims is so much that they would think many times before just filing the case, and if, by jotting down some courage, they can do so, they face a lot of things during the trial. Only the strongest of them would be able to survive all this. It is already a lot for them to deal with the offence, and they had to deal with this power abuse, too. The system that is meant to give them justice becomes the one abusing them. Some of the possible solutions for the same could be as follows:

Asset Confiscation of the Accused: This solution would be like attacking the source. When the accused would have no supply of money, they would not be able to engage in such activities so easily. This would break their chain and would act as a barrier to using their financial power in exploiting the victims.

²⁷ Subrata Nag Choudhary, 'Ex-head of India's RG Kar College charged for alleged evidence tampering in rape case' *Reuters* (15 September 2024) <<https://www.reuters.com/world/india/ex-head-indias-rg-kar-college-charged-alleged-evidence-tampering-rape-case-2024-09-15/>> accessed 17 January 2026

²⁸ Sulagna Sengupta, 'CBI to court: Got enough evidence of tampering in RG Kar rape-murder case' *The New Indian Express* (26 September 2024) <<https://www.newindianexpress.com/nation/2024/Sep/26/cbi-to-court-got-enough-evidence-of-tampering-in-rg-kar-rape-murder-case>> accessed 17 January 2026

Specialised Courts: Making separate and special courts for rape offences would help to resolve the dispute fast. Despite the existence of a strong law and policy framework, a large number of rape and POCSO Act cases are pending in various courts across the country. The key motive behind introducing harsh punishment is to create deterrence, but it is only possible if trials are completed within the time frame and justice is delivered expeditiously to the victims. The Criminal Procedure Code (CrPC) and POCSO Act prescribe strict timelines for the completion of investigation and trial, yet delays persist due to case backlogs and limited judicial resources.²⁹

These special courts should be gender sensitized and they should not have any kind of gender bias or patriarchal thinking. The officers here should be given proper psychological training to deal with the victims, especially if they are child victims. The environment should be such that it ensures that there is no victim-blaming, and the victim must not regret the step taken, filing the case.

Definition of Public Servant in POCSO: As we saw in the Unnao rape case, Sengar was not included in the definition of 'Public Servant' just because this term is nowhere defined in the POCSO, and they have to rely on the IPC for the same. This in itself suggests that a proper definition should be included in POCSO. Also, the definition given in IPC should be more elaborate to tell who would be considered as persons in authority or public servants. A more precise definition would prevent confusion, as was observed in the Unnao case. A mere definition should not come in the way of justice.

Stricter Enforcement of Laws: Legal reform, like that introduced after Nirbhaya, aims at strengthening rape prosecutions' legal framework. Although they are all important progress, there are times when these reforms are undermined by poor implementation or even enduring societal biases. By making use of these reforms, politicians may show that they care about women's security while bypassing the fundamental issues of enforcement and societal attitudes involved in such cases. After every public outcry, the law gets modified, as happened after the Nirbhaya case of 2012. Most of the time, these amendments made in law are blindsided by political play, communal agenda and caste discrimination. High-profile rape cases like Unnao and Kathua have shown how hard it is to get justice when the powerful

²⁹ 'Swift Justice, Safer Society: The Impact of Fast Track Special Courts' (PIB, 20 March 2025) <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2113344®=3&lang=2>> accessed 18 January 2026

are involved. Human Rights Watch research shows persistent gaps in enforcing the laws, relevant policies, and guidelines aimed at justice for victims of sexual violence.

Crime Reporting should not be a Task in Itself for the Victims: ‘Reporting rape should not contribute to the victim’s nightmare,’ Ganguly said. It takes time to change mindsets, but the Indian government should ensure medical, counselling, and legal support to victims and their families, and at the same time, do more to sensitise police officers, judicial officials, and medical professionals on the proper handling of sexual violence cases.³⁰

Training of Police and Sensitisation of Patriarchal Biases: Police officers are the first step in reporting a crime, and the victim should not feel disheartened at this stage only. The police officers should be given proper training about how to talk with rape victims, and there should be steps to remove the biases that have been established in our minds. These older patriarchal practices must not prevail any further, especially if they hamper justice.

No practice howsoever sanctified by usage and hallowed by time, can be allowed to prevail if it operates to cause injustice. Every practice of the Court must find its ultimate justification in the interest of justice.³¹

CONCLUSION & RECOMMENDATIONS

It can now be very well understood that the offences in which the victim is so vulnerable, and the offenders have so much power, would impact the case. From the inception till the end. They would use every means to escape from the offence. There is a dire need for stricter implementation of laws, especially for offences like these. The spirit of the law should never be compromised.

We as a society should try our best not to form opinions on any matters in the way media channels want us to have. We should read about everything first thoroughly, research it and then come to any conclusions.

³⁰ ‘India: Rape Victims Face Barriers to Justice’ (*Human Rights Watch*, 8 November 2017) <<https://www.hrw.org/news/2017/11/09/india-rape-victims-face-barriers-justice>> accessed 17 January 2026

³¹ *Kashmira Singh v State of M P* (1952) 1 SCC 275

We should try our best not to let our patriarchal thinking come in our way, and we may not become one of the victim-blamers. Patriarchy and misogyny must not guide our thoughts, and we should be above it all.

We should help the victim to rehabilitate in society. We can make that process easier for them, but we should keep in mind that it is not their fault that a crime happened with them. All the procedures are already very tiring and exhausting for the victims; we should not become another exhaustion.