

**CRM-M-34144-2021**

**Anupam Mahajan and others  
vs.  
State of Punjab and another**

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Present: Mr. Arnav Sood, Advocate,  
for the petitioners.

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Case heard via video conferencing.

Learned counsel for the petitioners points to exception 2 to Section 375 of the IPC, which defines rape, with the said exception reading as follows:-

“Exception 2.—Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.”

He further submits that the other offence alleged to have been committed being one punishable under Section 120-B of the IPC, with no other substantive offence alleged to have been committed, when the first offence itself cannot statutorily stand (as contended), the question of any offence punishable under Section 120-B of the IPC also cannot stand.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice at the asking of the court on behalf of the respondent State.

A copy of the petition be supplied to him today itself by learned counsel for the petitioners.

Respondent no.2 be served by normal process, returnable on 27.09.2021.

In the meanwhile, till the next date of hearing only and specifically, the trial court is directed to adjourn the matter to a date beyond that given by this court, till the next date of hearing.

Naturally, despite the aforesaid statutory provision pointed out by learned counsel for the petitioners, counsel for the parties would be required to address arguments as per the law settled so far on the issue.

**August 23, 2021**

dharamvir

**(AMOL RATTAN SINGH)  
JUDGE**



सत्यमेव जयते

