

SECTIONS 22-25 SEXUAL OFFENCES ACT

22. Any person who is guilty of an abduction of any unmarried person under sixteen years of age is guilty of an offence and liable to imprisonment for two years.

23. Any person who is guilty of an abduction of any unmarried person being of or above sixteen years of age and under eighteen years of age is guilty of an offence and liable to imprisonment for two years:

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury that the person so charged had reasonable cause to believe that such unmarried person was of or above eighteen years of age.

24. Any person who, knowing that any of the offences mentioned in sections 19 to 23 has been committed in the case of any person, or otherwise abets the unlawful detention of the person, or otherwise abets the execution of the intent with which that offence was committed, shall be deemed guilty of that offence.

25. For the purposes of the sections of this Part relating to abduction-

(a)

it is not necessary that the taking or detaining should be without the consent of the person taken or detained, and it suffices if the person is persuaded, aided or encouraged to depart or not to return;

(b)

it is not necessary that there should be an intent permanently to deprive any person of the custody or control of the person taken or detained;

(c)

a taking or detention is unlawful unless some person entitled to give consent to the taking or detention of the person taken or detained, for the purposes for which he is taken or detained, gives consent to the taking or detention for those purposes;

(d)

a person having the temporary custody, care or charge of another person for a special purpose, as his attendant, employer or schoolmaster or in any other capacity, can be guilty of abduction of that person by acts which he is not authorised to do for such special purpose, and he cannot give consent to any act by another person which would be inconsistent with such special purpose; and

(e)

notwithstanding the application of the general provisions of Book I. of the Penal Code with respect to mistake of law, a person is not guilty of abduction of another person by anything which he does in the belief that he is entitled by law as a parent or guardian, or by virtue of any other legal right, to take or detain the other

person for the purposes for which he takes or detains him; but this rule shall not be construed to exempt a person from liability to punishment on the plea that he did not know or believe or had not the means of knowing, that the other person was under sixteen or eighteen years of age, as the case may be, not to exempt a person from liability to punishment for abduction if he took or detained the other person for any immoral purpose.