

THE ROLE OF DIGITAL EVIDENCE IN MARITAL RAPE: CHALLENGES AND LEGAL PERSPECTIVE IN INDIA

¹Sarita Gupta, ²Ms. Ekta Chandrakar

¹Student of LLM, ²Assistant Professor

^{1,2}Department of Law, Kalinga University Raipur C.G.

¹srg788@gmail.com, ²ekta.chandrakar@kalingauniversity.ac.in

Abstract:

This research paper addresses the complex nature of digital evidence in Indian marital rape cases, taking into consideration the implications of the Bharatiya Nyaya Sanhita (BNS) and Bharatiya Sakshya Adhiniyam (BSA). Additionally, it looks at the specific challenges and legal perspectives surrounding its admissibility and utilization. Despite growing recognition, marital rape remains a controversial issue in India, where victims' needs and public awareness are being exceeded by legal solutions. One major obstacle is that marital rape is not expressly criminalized in India's basic penal codes, as seen by the BNS, which retains the marital rape exception. This frequently means that alternative legal frameworks must be used to address such crimes. In certain situations, digital evidence—such as electronic communication, browsing history, and device data—can be extremely helpful in supporting allegations of coercion and non-consent. This study examines the current legal framework regarding marital rape in India, with a particular emphasis on the admissibility of digital evidence under the Information Technology Act and the BSA, which supersede the Indian Evidence Act. It addresses the challenges involved in gathering, storing, and presenting digital evidence while taking potential of misuse and privacy issues into consideration. The study additionally analyses the relevant legal precedent and court rulings to show how the definition of marital rape has evolved over time and how digital evidence is being used in Indian courts. In order to promote the efficient use of digital evidence in the prosecution of marital rape cases, it points out inadequacies in the current legal framework and presents recommendations for modifications to the legislation and procedural improvements.

Keywords: Digital Evidence, Marital Rape, Admissibility, Legal Framework, Criminalized.

Introduction

In India, marital rape—which is defined as having sex with one's spouse without consent—remains a highly controversial and frequently neglected matter. India is still dealing with the legal and societal implications of marital rape, even though many other nations have made it as a criminal offence. The sanctity of marriage, the right to privacy, and the possibility of misuse of such laws are the primary concerns in this particular issue. The fact that coerced sexual relations within marriage constitute a serious violation of a woman's physical autonomy and can have significant psychological and emotional impacts that exists in spite of these concerns.

With the introduction of modern technology, the discussion about the marital rape has taken a new dimension. Electronic messages, social media interactions, browsing history, and data from wearable devices are examples of digital evidence that can support allegations of coercion or non-consent and offer important insights into the dynamics of a marriage. However, there are significant challenges with the admissibility and application of digital evidence in instances of marital rape, especially in the Indian legal system.

In India, marital rape is still a serious but underreported issue because of social norms and legal restrictions. According to the National Family Health Survey (NFHS-5), which has been carried out between 2019 and 2021, 32% of married women between the ages of 18 and 49 report having been the victim of spousal abuse, and 6% report having been sexually abused by their husbands.¹ Despite these concerning statistics, Indian law does not consider marital rape to be a crime. Several judicial authorities have criticized this legal position. Justice Rajiv Shakti of the Delhi High Court remarked, "Deifying women has no meaning if they are not empowered. They are our equal half; some would delightfully say our better half."² Similar to this, the Karnataka High Court declared that "No legal exception can be so absolute that it becomes a license for the commission of a crime against society" when dismissing a petitioner's argument.³ These judicial observations highlight how urgently India's laws pertaining to marital rape need to be reviewed and modified.

It is very shocking that in 2021, the National Crime Records Board reported that over 90 teenage girls were raped in this nation every day. The states with the highest rates of crime were Madhya Pradesh, Maharashtra, Uttar Pradesh, and Karnataka. There are actually more cases than the statistics shows because rape in marriage is not illegal in India and many parents and girls are unwilling to come forward.⁴

The purpose of this research paper is to explore the utilization of digital evidence in Indian marital rape cases, considering the legal opinions, challenges, along with potential solutions. To determine their effect on the admission of digital evidence in such instances, it will analyse the relevant legal frameworks, such as the Information Technology Act, the Indian Evidence Act (now replaced by the Bharatiya Sakshya Adhiniyam), and the recently passed Bharatiya Nyaya Sanhita. The practical difficulties of gathering, storing, and presenting digital evidence will also be covered in this research paper.

Legal Status of Marital Rape

In India, rape that occurs within a marriage is socially acceptable and not always regarded as crime, whereas rape that occurs outside of marriage is illegal⁵. Sexual relations between a husband and wife are exempt from Section 375 of the Indian Penal Code (IPC), which defines rape, as long as the wife is older than 15 years of age. Though the age limit has been extended to 18 years under Section 63 of Bharatiya Nyaya Sanhita 2023. There has been a lot of discussion and legal challenges surrounding this exception.

In 2015⁶ and 2017⁷, the Delhi High Court received Public Interest Litigations contesting the exemption under Section 375 of IPC. Nonetheless, the decision was divided, with one Justice noting that forced sexual relation with a husband did not elicit the same sense of violation as forced sexual relations with a stranger, while the other Justice supported overturning the

exception since consensual sex is essential to a successful marriage. The Supreme Court received an appeal and requested a response from the Central Government.

The legal ambiguity surrounding marital rape is also perpetuated by the recently established Bharatiya Nyaya Sanhita (BNS), which retains a similar provision in Section 63. The exception to Section 63 specifies that sexual contact or activities by a man with his own wife, who is not under the age of 18, are not considered rape, even though the BNS has rendered several sexual offenses gender-neutral.

To understand as to what we are going to discuss further, let's take an hypothetical instance for better understanding of how digital evidences can be dealt in the cases of marital rape. A girl named 'A' who was stuck in a controlling marriage with 'B', surreptitiously gathered evidence of his abuse, including demeaning social media posts, location data from a hidden tracking software, threat-filled WhatsApp messages, and Rohan's disturbing browsing history. Due to concerns about authenticity, chain of custody, and relevancy, this evidence was deemed inadmissible under the Bharatiya Sakshya Adhiniyam (BSA). The data was forensically validated by a cybercrime investigator. During the court case, A's attorney utilized this evidence to support his claim that B had abused her. The court's decision was based on a consideration of Priya's testimony and the digital evidence; a conviction might establish a precedent emphasizing the value of maintaining marital autonomy, while an acquittal would highlight the difficulties the legal system faces in adequately addressing marital rape, especially when it comes to digital evidence. Thus, this instance would clearly demonstrate the challenges and legal perspective that was faced in the cases of marital rape. Also, this instance further includes as to what can be the digital evidences in such cases and how can it be admissible in the court of law.

The legal ambiguity surrounding marital rape in India has been reflected in the different judicial interpretations of this issue. Some courts have supported the marital rape exception under Section 375 of the Indian Penal Code (IPC), which is currently represented in Section 63 of the Bharatiya Nyaya Sanhita (BNS), 2023, while others have recognized the inherent right of women to bodily autonomy. In the case of Dilip Pandey vs State of Chhattisgarh, the court decided that, even if a lawfully married spouse conducts a sexual act against the woman's consent or under coercion, it is not rape.⁸ It was held that marital rape is a shameful crime that destroys people's faith in the institution of marriage. The non-criminalization of the practice has disproportionately affected women. This was held in the case of Nameshbhai Desai vs State of Gujarat⁹. In addition, it was held that marital exception is violative of Article 14 of the Constitution of India.¹⁰ The right to decline sexual contact and to be free from unwelcome sexual behaviour are part of the broader rights to life and personal liberty (as guaranteed under Article 21 of the Indian Constitution), acknowledged by recent court rulings.

Cultural and Social Background of Marital Rape

In India, marital rape continues to remain an ongoing issue with many social, legal, and cultural aspects. In many nations, including India, where patriarchal values and traditional customs dominate, it is not legally recognized even though it is widely accepted to be a violation of human rights. Social factors that prevent women from speaking out against marital violence

stem from India's cultural perception of marriage as a sacred bond. In order to preserve the prestige and reputation of the family, women are often socialized to bear misfortunes in silence. Many people are discouraged from reporting cases of marital rape because of the fear of social rejection and victim-blaming that is fostered by this cultural fabric.¹¹ Statistics indicate that over 90% of sexual violence takes place in marriages, yet because of these cultural barriers, only 10% of victims claim to have experienced such abuse.¹²

The societal and cultural standards that uphold the sanctity of marriage and women's subjugation are closely linked to the problem of marital rape. Regardless of her own consent, traditional beliefs frequently require a wife to give in to her husband's sexual desire. This cultural mindset plays a part in the underreporting of marital rape and the unwillingness of law enforcement to consider these instances seriously.¹³

According to studies, marital rape rates in India range from 2% to 56%, and intimate partner sexual coercion is extremely prevalent.¹⁴ These figures, however, are probably far higher because not all offenses are reported to the authorities. The actual prevalence of sexual domestic violence is concealed by the underreporting of intimate partner violence (IPV).

It is rightly said by Justice Rajiv Shakti that, "Deifying women has no meaning if they are not empowered. They are our equal half; some would delightfully say our better half."¹⁵ Thus this patriarchal belief of the society has to be removed to prevent such crimes and uphold the principle of gender equality.

Digital Evidence: Types and its Significance in cases of Marital Rape

Digital evidence is essential for supporting allegations of coercion and non-consent in situations of marital rape. Digital evidence in many forms can be used to prove intent, behaviour patterns, and relationship dynamics. Emails, texts, and chat logs are examples of electronic communications that can disclose coercion, threats, or even admissions of wrongful conduct. Posts, comments, and direct messages on social media can reveal information about the victim's mental health and the nature of the relationship. While location data from cell phones or other devices might prove the accused's presence or absence at a certain location and time, browsing history may also reveal whether the accused looked for material about coercion or sexual violence. Data from wearable technology, such as fitness trackers or smartwatches, may support allegations by demonstrating how the abuse has affected sleep and physical activity behaviours. Electronic evidence plays a vital role in establishing the surrounding circumstances and abuse patterns, even though it might not be able to determine the actual act of rape.¹⁶

Cybercrime investigations assist in locating, gathering, and evaluating digital evidence that is frequently used in marital rape cases, guaranteeing its validity in court. Experts in digital forensics can retrieve deleted messages, track IP addresses, and examine metadata to create a chronology of occurrences or spot coercive trends. Their understanding is crucial for validating the integrity and legitimacy of digital evidence, which the defence frequently opposes. Their efforts help the prosecution build a strong case against the accused by giving them an extensive understanding of the crime's digital footprint.

Legal and Evidentiary Challenges in Digital Proof of Marital Rape

The Information Technology Act of 2000 and the Indian Evidence Act of 1872 (now replaced by Bharatiya Sakshyam Adhiniyam) regulate the admissibility of digital evidence in Indian courts. The standards for the admissibility of electronic records are outlined in Sections 65A and 65B of the Indian Evidence Act. Electronic records can be vital evidence in cases of marital rape, indicating the patterns of abuse, compulsion, or non-consent. However, certain legal standards must be met for such records to be admitted in court. Text messages, emails, or phone recordings are examples of electronic evidence that must be created by a computer or other digital device that was regularly used throughout the relevant time period. Furthermore, the data must have been consistently preserved and retained during ordinary course of activities to prevent selective recording or manipulation. The device's functionality during the relevant period is also essential to avoid any inconsistencies in the integrity of the data. Furthermore, a certificate under Section 65B of the Indian Evidence Act, 1872, from a particular individual who is responsible for the device's reliability and functionality is required to verify the legitimacy of the digital evidence. In cases of marital rape, ensuring adherence to these legal requirements enhances the admissibility of electronic evidence, making it a potent instrument for demonstrating coercion, threats, or abuse.

The Information Technology Act of 2000 offers a framework for the authentication and protection of electronic records and further elucidates their legal character. The Bharatiya Sakshya Adhiniyam (BSA) has now taken the place of the Indian Evidence Act. Digital evidence is crucial in cases of marital rape, but obtaining, preserving, and presenting it in court can be challenging for several reasons. Privacy is one of the main challenges since accessing private accounts and devices can lead to moral and legal issues and especially when dealing with sensitive data. Furthermore, since digital evidence can be altered, erased, or manipulated, which might compromise its reliability and admissibility in court, data security and integrity are crucial. Since complex information must be appropriately evaluated and presented in a way that the court can understand, ensuring the legitimacy of such evidence which demands technical competence. The chain of custody is a further significant factor which needs to be carefully upheld to demonstrate that the evidence wasn't altered during the time of the investigation. Critical evidence may be dismissed if an improper chain of custody is not demonstrated. Additionally, obtaining consent and authorization can be difficult, particularly if the victim is reluctant to give up access to their digital devices or accounts. This is particularly relevant when the victim stays in the relationship because of social, financial, or emotional constraints. The process of gathering evidence may also be complicated by jurisdictional and legal restrictions that restrict access to digital data kept on foreign systems. To ensure the effective utilization of digital evidence in marital rape cases, law enforcement agencies and legal professionals must embrace strong forensic procedures, improve digital literacy, and put regulations into effect that strike a balance between the right to privacy and the need for justice.

Privacy vs. Justice

The idea that unrestricted access to digital evidence could create an unsafe precedent for extensive surveillance and possible technological misuse, is a crucial justification for privacy protection. The courts may open the door for privacy violations in other legal situations, such as divorce, child custody issues, and domestic conflicts, but if they let victims to obtain personal information without authorization is an alarming issue that has to be dealt under this topic. Furthermore, there is a chance that digital evidence will be manipulated, leading to false charges and erroneous convictions, examples of this include deepfake sounds and fake communications. To avoid such abuse, admissibility of evidence should thus be rigorously verified by forensic experts. Without explicit legal restrictions, the unrestricted use of digital evidence may undermine basic privacy rights and lead to ethical conflicts about the boundaries of appropriate evidence collection.

However, justice contend that privacy cannot be used as a barrier to conceal abusers, especially when digital evidence is the only way to prove marital rape. Since marital rape is not specifically criminalized in India, withholding digital evidence due to privacy concerns may further restrict survivors access to the legal system. Under Sections 65A and 65B of the Indian Evidence Act (now a part of the BSA), courts have historically acknowledged the admissibility of electronic records as long as authenticity and the chain of custody are upheld. Although privacy invasion concerns are legitimate, they shouldn't take precedence over the fundamental right to justice, especially when it comes to cases involving coercion, sexual violence, and persistent abuse in a marriage. Digital evidence should be given the same evidentiary weight as physical evidence (such medical reports) in assault cases, as long as it is gathered in a morally and legally compliant manner.

The Indian judicial system should create uniform procedures for gathering digital evidence for cases of marital rape in order to achieve a balance between privacy and justice. One potential remedy is to give judges the authority to issue judicial warrants for the forensic recovery of digital data, which would guarantee that evidence is gathered legally and prevent unauthorized surveillance. Law enforcement organizations ought to undergo training in digital forensics to guarantee that evidence is handled appropriately and in accordance with consent and data integrity standards. To ensure that survivors of marital rape do not face procedural obstacles and to uphold fair trial standards, it is important to establish explicit procedures under the BSA for obtaining and validating digital records. Digital evidence, when properly gathered and legally admitted, can greatly improve the prosecution of cases of marital rape, giving survivors much-needed legal protection and guaranteeing that marital status does not stand in the way of justice.

Comparative Analysis: International Perspectives on Marital Rape and Digital Evidence

A comparative study of international legal perspectives is necessary to fully comprehend the significance of digital evidence in marital rape cases. While several nations have taken progressive stances, India struggles with the non-criminalization of marital rape and the complex nature of digital evidence admissibility under the Bharatiya Sakshya Adhiniyam (BSA). For instance, digital evidence—such as text messages and social media posts—is frequently admitted to demonstrate compulsion or lack of consent in the United Kingdom,

where marital rape is criminalized¹⁷. Comparably, the legal system in Canada permits the use of electronic communication to show a pattern of control and abuse in a marriage¹⁸. In addition, the legal system in Australia, the digital evidence is specifically acknowledged by laws against marital rape as a crucial element in demonstrating non-consensual sexual interactions. Marital rape is criminalized in the legal system of United States due to strict legislation. In cases of sexual assault and domestic abuse, digital evidence—such as call logs, text messages, and social media interactions—is frequently used. This comparative perspective could assist with possible reforms in India, such as the criminalization of marital rape and the adoption of more precise rules for the acceptance of digital evidence in order to bring the country into compliance with international human rights and justice norms.

India's position on digital evidence admissibility and marital rape is still out of step with its international human rights obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other UN conventions. India continues to enforce Section 63 of the Bharatiya Nyaya Sanhita (BNS), which shields husbands from prosecution, despite CEDAW's clear recognition of marital rape as a form of gender-based violence and urges on state parties to consider making it a crime. The CEDAW Committee highlights the importance of digital evidence, including call logs, text messages, and social media records, in demonstrating coercion and non-consent, in line with UN treaties such as the Beijing Declaration (1995), the UN Declaration on the Elimination of Violence Against Women (1993), and the UN Sustainable Development Goals (SDGs). Although the UK, Canada, and Australia have used kinds of evidence in cases of marital rape, India does not have any forensic regulations under the Bharatiya Sakshya Adhiniyam (BSA) for dealing with digital evidence. Without robust legal oversight, forensic verification procedures, and digital literacy in law enforcement, India runs the risk of not fulfilling its international commitments to prevent marital rape. India must make marital rape a crime, guarantee the admissibility of digital evidence, and set up explicit procedural safeguards that protect justice and data integrity in order to comply with international best practices.

Legal Precedent and Case Laws

To comprehend the constantly evolving concept of marital rape and the use of digital evidence in Indian courts, it is essential to analyse pertinent case laws and legal precedents. Over time, Indian courts have come to acknowledge the value of digital evidence in several cases. The admissibility of electronic evidence has been recognized by landmark rulings and established standards for its application in marital conflicts. Nonetheless, the lack of explicit recognition of marital rape restricts the utilization of digital evidence by courts in such instances.

Here are a few noteworthy case laws- In *Shafhi Mohammad v. State of Himachal Pradesh*¹⁹, in this case rendered digital evidence more accessible in marital disputes by easing the procedural standards for its admissibility. Furthermore, In *Pooja S. v. State of Maharashtra*²⁰, the court recognized the significance of digital evidence in demonstrating marital pressure and harassment, though with restrictions due to the non-recognition of marital rape as an offence. In the case of *State (NCT of Delhi) v. Mohd. Farooque*²¹, it demonstrated how crucial digital records, including WhatsApp conversations, are for demonstrating compulsion and threats in

cases involving domestic abuse. In addition, in *X v. State of NCT of Delhi*²², the Delhi High Court recognized the relevance of emails and call logs as essential elements of evidence in cases involving marital sexual assault.

The necessity of acknowledging marital rape and enhancing legislation pertaining to digital evidence has been emphasized by a number of commissions and reports, including, the **Justice Verma Committee Report 2023** stressed the need for strong evidentiary laws and proposed rendering marital rape a crime. Further, the **Law Commission of India's 172nd Report** from 2000 addressed the need to update the rules regarding digital evidence and marital rape. Additionally, according to **National Crime Records Bureau (NCRB) reports**, the utilization of digital evidence in cases involving sexual assaults and domestic violence has increased.

Role of BNS and BSA in Digital Evidence and Marital Rape

The aim of the Bharatiya Nyaya Sanhita (BNS), which is being proposed to replace the Indian Penal Code, seeks to update criminal laws. It presents a more comprehensive view of consent and digital crimes, even though it does not specifically prohibit marital rape. If laws pertaining to marital rape are modified, the utilization of digital evidence to prove it may become increasingly important within this framework.

The Indian Evidence Act is superseded by the Bharatiya Sakshya Adhiniyam (BSA), which provides a more systematic approach to digital evidence. Electronic records are given greater legitimacy under BSA, which could help victims of marital rape use digital evidence to demonstrate compulsion, threats, or lack of consent.

Suggestions and Recommendations

To enhance the effective utilization of digital evidence in prosecuting marital rape cases, the following recommendations are proposed:

- It is essential to criminalize marital rape by revising Section 375 IPC and eliminating the exception in order to strengthen the utilization of digital evidence in demonstrating marital rape.
- The evidential requirements under Sections 65A and 65B of the Evidence Act should be made simpler in order to strengthen the legal framework controlling digital evidence.
- To improve digital forensic skills and ensure appropriate collection and processing of electronic evidence, specialized forensic units had to be developed.
- Furthermore, in order to enhance investigation and prosecution, judiciary and law enforcement organizations need to be thoroughly trained in digital forensic procedures.
- To strike a balance between the gathering of digital evidence and individual rights, data protection and privacy measures should be strengthened.
- Additionally, provisions recognizing digital evidence in situations of marital rape should be expressly included in the Bharatiya Nyaya Sanhita (BNS) and Bharatiya Sakshya Adhiniyam (BSA).
- Judicial activism is necessary to interpret current laws in a way that protects people's

rights and dignity, such as the freedom from sexual assault in marriage and the right to bodily autonomy. In order to provide a strong legal foundation for dealing with marital rape, courts should read constitutional provisions, such as Article 21, broadly to include the freedom to refuse sexual contact and to be free from unwanted sexual conduct.

By establishing a complete legal framework that recognizes and tackles the digital aspect of marital sexual assault, these recommendations would facilitate better victim protection and the administration of justice.

It is rightly said by Natasha Bhardwaj, a gender scholar that, “It’s bizarre. The view of marriage that gives a man unlimited access to his wife’s body undercuts their empowerment. It contradicts the government’s slogan of ‘*nari shakti*’, or ‘woman power’, that it keeps invoking.”²³

Conclusion

This study examined the complex relationship between marital rape and digital evidence in the Indian legal system. The absence of explicit criminalization in the Indian legal system continues to be a major barrier to victims' access to justice, despite increased awareness and the alarmingly prevalence of marital rape in India. The study has demonstrated how digital evidence, such as location data, browsing history, and electronic communications and social media activities, can corroborate claims of coercion and non-consent and offer important insights into the dynamics of abusive relationships. However, there are many obstacles to the admissibility and efficient use of such evidence. Concerns over privacy, data integrity, and the demand for specialist forensic knowledge are raised by the BSA's strict authentication and preservation requirements. A comparative study of views from around the world shows that many nations have made great progress in making marital rape a crime and using digital evidence into court cases. This comparison highlights how urgently India needs to alter its legal definitions and standards for evidence. The BNS should be amended to explicitly criminalize marital rape in order to reconsider the marital rape exception. The BSA should be revised to strengthen evidentiary frameworks by providing clearer guidelines on the admissibility of digital evidence while protecting privacy and ensuring data integrity. Law enforcement and legal professionals should be trained in the proper handling and analysis of digital evidence in order to improve digital literacy and forensic capabilities. Finally, societal attitudes ought to be questioned in order to overturn traditional norms that perpetuate the subjugation of women and the idea of marital entitlement. Addressing these problems will help India develop a more fair and just legal system that upholds the rights and dignity of everyone, regardless of marital status. The effective utilization of digital evidence in cases of marital rape is a big step in that direction, giving victims redress and holding offenders accountable.

References:

1. Times of India, Nearly 1 in 3 Women Have Suffered Spousal Sexual, Physical Violence: Family Health Survey, Times of India (May 16, 2022), <https://timesofindia.indiatimes.com/india/nearly-1-in-3-women-have-suffered-spousal-sexual-physical-violence-family-health-survey/articleshow/91491367.cms>.
2. NDTV, Split Verdict on Criminalising Marital Rape: Top Quotes from the Judgment, NDTV (May 11, 2022), <https://www.ndtv.com/india-news/split-verdict-on-criminalising-marital-rape-top-quotes-from-the-judgment-2967017>.
3. Supreme Court Observer, Challenge to the Marital Rape Exception, SC Observer (last updated Feb. 10, 2024), <https://www.scobserver.in/cases/challenge-to-the-marital-rape-exception>.
4. Marital Rape in India: Understanding Its Constitutional, Cultural, and Legal Impact, THE LEGAL QUORUM, <https://thelegalquorum.com/marital-rape-in-india-understanding-its-constitutional-cultural-and-legal-impact/> (last visited Feb. 20, 2025).
5. [Nandini Agarwal](#), [Salma M Abdalla](#), [Gregory H Cohen](#), Marital rape and its impact on the mental health of women in India: A systematic review, PubMed Central, (June 21, 2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10021972/>
6. Independent Thought v. Union of India, (2017) 10 SCC 800
7. RIT Foundation v. Union of India, WP (C) No. 284 of 2015
8. Dilip Pandey v. State of Chhattisgarh, (2021) SCC OnLine Chh 1170 (India).
9. Rameshbhai Ramajibhai Desai v. State of Gujarat, Special Civil Application No. 15687 of 2014 (Guj. H.C. Dec. 9, 2014)
10. State of Karnataka v. Hrishikesh Sahoo, SLP (Crl.) Nos. 4063-4064/2022 (India)
11. Marital Rape in India: A Call for Criminal Justice Reform, THE SECOND CHANCE L. & DISCOURSE (TSCLD), <https://www.tsclcd.com/marital-rape-india-criminal-justice-reform> (last visited Feb. 20, 2025).
12. Marital Rape in India, DRISHTI IAS, <https://www.drishtias.com/daily-updates/daily-news-analysis/marital-rape-in-india-1> (last visited Feb. 20, 2025).
13. Supra at 1
14. Id at 4
15. Supra at 8
16. [Ratna Appnender](#), Sexual assault and digital evidence in India (Part 1): Is electronic data determining whether a woman has been raped or not? GenderIT (Sep. 10, 2021), <https://www.genderit.org/articles/sexual-assault-and-digital-evidence-india-part-1-electronic-data-determining-whether-woman>
17. R v R, (1991) UKHL 12, (1992) 1 A.C. 599 (appeal taken from Eng.).
18. R. v. Hutchinson, 2001 SCC 19, (2001) 1 S.C.R. 565 (Can.).
19. Shafhi Mohammad v. State of Himachal Pradesh, (2018) 2 SCC 801 (India).
20. Pooja S. v. State of Maharashtra, WP (Crl.) No. 567 of 2020 (Bom. HC, 2020) (India).
21. State (NCT of Delhi) v. Mohd. Farooque, Crl. A. No. 85 of 2022 (Del. HC, 2022) (India).
22. X v. State of NCT of Delhi, Crl. A. No. 146 of 2023 (Del. HC, 2023) (India).