

<sup>1</sup>[**114A. Presumption as to absence of consent in certain prosecution for rape.** —In a prosecution for rape under clause (a), clause (b), clause (c), clause (d), clause (e), clause (f), clause (g), clause (h), clause (i), clause (j), clause (k), clause (l), clause (m) or clause (n) of sub-section (2) of section 376 of the Indian Penal Code (45 of 1860), where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and such woman states in her evidence before the court that she did not consent, the court shall presume that she did not consent.

*Explanation.*—In this section, “sexual intercourse” shall mean any of the acts mentioned in clauses (a) to (d) of section 375 of the Indian Penal Code (45 of 1860).]

#### STATE AMENDMENT

#### Chhattisgarh

**Insertion of new Section 114B.**—After section 114A of the Indian Evidence Act, the following shall be inserted, namely:—

114B. Presumption as to offences committed under section 354, section 354A, section 354B, section 354C, section 354D, section 509, section 509A or section 509B of the Indian Penal Code, 1860.—When the question is whether a person has committed an offence under Section 354, section 354A, section 354B, section 354C, section 354D, section 509, section 509A, or section 509B of the Indian Penal Code and if the victim deposes before the court that she has been subjected to sexual harassment or her modesty was outraged or she was disrobed or she was stalked or her privacy was intruded or she was sexually harassed by any means, as the case may be, the court may, unless contrary is proved, presume that such offence has been committed by that person.

[*Vide* Chhattisgarh Act 25 of 2015, s. 14.]

#### CHAPTER VIII. — ESTOPPEL

**115. Estoppel.**—When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing.

#### *Illustration*

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

**116. Estoppel of tenants and of licensee of person in possession.** — No tenant of immovable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immovable property; and no person who came upon any immovable property by the licence of the person in possession thereof shall be permitted to deny that such person had a title to such possession at the time when such licence was given.

**117. Estoppel of acceptor of bill of exchange, bailee or licensee.** — No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it; nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or licence commenced, authority to make such bailment or grant such licence.

*Explanation (1).* — The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

*Explanation (2).* — If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

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1. Subs. by Act 13 of 2013, s. 26 (w.e.f. 3-2-2013). Earlier it was inserted by 43 of 1983, s. 6, (w.e.f. 25-12-1983).