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BREAKING THE SILENCE: ADDRESSING MALE VICTIMHOOD IN VIOLENT CRIMES

AUTHORED BY - PUJA BANERJEE

Introduction

The presumption of innocence is one of the corner stones to any legal system anywhere in the world such as the United States, United Kingdom and India for example, and more or less lightly watered down. It says if you've been charged with a crime, you are innocent unless proven otherwise by the competent court of law to have been guilty beyond a reasonable doubt. This is the bedrock of fair trial and ensures that no one should be convicted just by wild allegations. Yet, even with the legal grail that is presumption of innocence, there is increasing alarm about what the effect of false claims and mistaken judgments have been, especially on men in domestic violence, sexual assault, or custody disputes cases.

Numerous examples wherein male population was crushed due to malicious legal and social consequences came to light over the past decade. Affect both the individual, and leaves an indelible scar on their private working and societal life. Legal systems are supposed to save the vulnerable — but high-profile cases, especially when gender-based crime enters into it seem to dilute the presumption of innocence. The research framework seeks to assess social and legal antecedents of male false accusations, analyze the consequences of making such an allegation and explore legal solutions subsequently for preserving presumption of innocence. This study aims to look at where the legal system might in practice strike a balance between protecting victims of crime, but also make sure that accused, particularly men do not face unfair pre-assumptions, damage to reputation and consequences, in courts of law due to gender bias, media justification or faulty legal system. This study in depth intends to offer practical and policy-level solutions on bolstering the presumption of innocence for everyone —regardless of gender through this research.

Research Objective

The purpose of this research is to explore the core vulnerability of presumption of innocence against false accusations of men, particularly in instances of domestic violence, sexual harassment and allegations related to child custody as a primary context. This Article seeks to examine the nexus of legal presumptions, social contexts and judicial machinery at work which weaken the so-called accused person who becomes the "poor innocent man" resulting in a fate that is final. The study seeks to trace the legal and social dynamics of false accusations and the impact of that on innocent domestic violence men. It also tries to evaluate the efficacy of existing legal injunctions, court precedents, and statutory redress to the accused with a view on thus preserving the rights of person & reconciling with the principle of natural justice. It also tries to understand the misbehavior of judiciary, media manipulation and social prejudice that hinders from entirety of presumption of innocence. It seeks, not only to develop a critical legal critique through which jurisprudential gaps are identified and structural reforms implemented that can uphold the principle of natural justice such, that no person should ever be criminalized based on bare allegations. It will also delve into how procedural cushioning, due process and evidentiary millstones can be fortified, to provide a perfect balance of legal equilibrium that safeguards the victim and also the accused.

Research Question

- What is the legal and social aspects responsible for wrongful accusations of men wronged?
- Misjudgments, False Accusations and the Downfall of Men: How it Affects Their Families, Their Careers (and often Reputations)
- Can you describe the available legal means to exempt men from wrongful misjudgment & false accusations of being caught doing a crime and to what extent do these can be successful?
- Law enforcement and judiciary best practices of how to strive for the presumption of innocence to be in force when dealing with men-centered cases?
- What are some, if any, legal or policy reforms that could help to preclude future misjudgments and false allegations against men in the future, while also offering recourse to true victims of crime?

- These answers will provide an overall review of the legal and social aspects that men encounter when falsely accused, as well as where the current structures in law are defective to allow these injustices. bare minimum

Research Methodology

The research will primarily adopt a doctrinal research methodology, which is based on a thorough and critical examination of legal principles, statutes, judicial precedents, and academic literature related to the presumption of innocence, false accusations, and legal remedies. The doctrinal method will focus exclusively on the legal aspects of the research problem and attempt to resolve it through legal reasoning, statutory interpretation, and judicial analysis.

Primary Sources (Legislative Sources)

Indian Penal Code (IPC), Criminal Procedure Code, Evidence Act, 1872; Domestic Violence Act, 2005 and other statutes constitutions juxtaposed with false accusations and criminal justice Constitution of India: Article 21 from the Constitution of India (which ensures Right to Life and Personal Liberty) and right to fair trial.

Case Laws (Judicial Precedents) : Comprehensive study on critical judgements by the Supreme Court of India, the States High Courts as well International Courts on false accusation levelled against men. Relevant instances are thus:

- Zahir Vs State of Rajasthan (2020): Establishing an unlawful exercise of dormant Section 498A IPC.
- Anurag Soni Vs State of Chhattisgarh (2019): False allegations of rape
- Nisha Sharma Case (2003) — Falsely accused into Dowry harassment
- Rajan & Ors vs. State of Tamil Nadu (2019): Misuse of law that protect sexual harasses

Secondary Sources (Case Comment and Juridical Articles):

- Non monitory scholars and Law / Legal Commentaries: Works of distinguished jurists writing monographs on the presumption of innocence, false allegations, and gender bias in legal systems.
- Articles in Journals and Research paper: Academic articles published in leading legal journals e.g., Harvard Law Review, Indian Journal of Law and Society, JLS, etc., on false accusations and wrongful convictions.

- Online Databases: links for legal databases at Manupatra, SCC Online, Hein Online, Westlaw and LexisNexis for case laws, legal sources and academic literature.

ATUL SUBHASH CASE: MEN'S MENTAL HARASSEMENT

The Atul Subhash suicide case was a tragic incident that sent shockwaves through the community, highlighting the growing need to address mental health, social pressure.

Atul used to work in an IT firm from Bangalore was going through divorce case. Before committing suicide, he made a 90 minutes long video and a 24-page suicide note where it's evident how he had been harassed by his wife and in-laws. His wife Nikita Singhania had filed false court cases accusing him of cruelty, dowry and various other wrongdoings. It has also come to lime light that his wife demanded Rs 3 crore for divorce settlement.^{3wsa} This case was tried under Section 108 of the Bhartiya Nyaya Sanhita (BNS), which deals with "abetment to suicide", as the police registered an FIR against his wife and her family members. Pavan Kumar Modi, Atul Subhash's father, had stated that they were worried about their grandson as Atul's wife got bail. His father told the Court that how Nikita used her son in order to take money from Atul. The son played a role of ATM for his mother stated by Atul's father. In a societal structure where men are often expected to be emotionally resilient, instances of abuse against men are either ignored and ridiculed. Consequently, such issues often go unreported, leaving men to suffer silently until the consequences become irreversible.

SHARON RAJ'S MURDER CASE: A TRAGIC TALE OF BETRAYAL

The Sharon Raj murder case has captured widespread attention as a chilling illustration of betrayal, societal decay and the enduring search for justice. This case, originating from Kerala, India revolved around cruel and calculated poisoning of a young man.

Sharon Raj, a 23-year-old man from Parassala, Thiruvananthapuram. In October 2022, Sharon became the victim of what appeared to be cold blooded murder by his romantic partner, Greeshma. It has also been found they secretly got married in a church and from there they went to stay in the Golden Castle hotel in Thirparappu, Kanyakumari where they got intimate. Investigations revealed that this was not a spontaneous crime but a premeditated act. Earlier also Greeshma attempted to murder Sharon but her mission was not getting success. Once Greeshma mixed 50 paracetamol tablets on mango juice bottle but fortunately, just after taking

a sip Sharon got the notion something is there, he threw it. Greeshma laced a traditional herbal drink kashayam with pesticide, a deadly concoction she made Sharon consume. The root cause was Greeshma's desire to escape Sharon's marriage proposal. The symptoms started showing once Sharon consumed the drink. For few days he battled with death in the hospital and only after death, during autopsy procedures, the horrifying truth came to light. The calculated manner in which Greeshma executed the crime unnerved people across the nation. Amid the uproar, Sharon's family was left to grapple with indescribable grief.

TCS MANAGER SUICIDE: A TALE SIMILAR TO ATUL SUBHASH

Another tragic took place similar to Atul Subhash, a 30-year-old man who worked as a manager in TCS in Mumbai, Manav Sharma committed suicide due to the harassment by his wife. It became unbearable for him. Before hanging himself, he made a 6 minute and 57 second video where he stated his suffering and distress. It has also been seen that Manav in tears apologizing to his parents. It's high time where we need to focus on men's right. There are circumstances where they feel vulnerable and helpless. As there is no such statute that specifically protect men's right. Manav was a resident of Defense Colony and for work purpose lived in Mumbai. His father a retired Air Force Officer stated that Manav tied knot on January 30th, 2024. At the initial phase things were going alright. But after few days' conflicts started to arise when his wife expressed her love interest to live with her boyfriend.

According to World Health Organization (WHO), globally, the suicide rate among men is nearly twice as high as that of women. One reason lies in societal perceptions of masculinity, which have created a cultural framework that discourages men from expressing vulnerability. From young age, men are often taught to suppress emotions like sadness, fear or despair. Moreover, social and economic stresses, along with shifting gender dynamics, have exacerbated these struggles. The rise in male suicide rates demands systemic, societal and cultural change at multiple levels. Mental health awareness campaigns that focus specifically on male struggles can be instrumental in normal help-seeking behavior. Additionally, policymakers should focus on reforming systems perceived as biased-such as family law-so that men feel they have adequate rights and support structures when navigating disputes.

VIJAY NAIR'S CYBERSTALKING

In today's world as technology continuously evolving, issues surrounding cyber harassment and misconduct rate are increasing rapidly. Till now, we had seen women are getting cyber stalked and bullied virtually. But, this case of cyber stalking on a man has opened eyes for many.

Vijay Nair, a prominent entrepreneur and founder of Only Much Louder (OML), a leading arts and entertainment management company in India. He was stalked by a girl monikered (Geeta) who tried to prove she is the victim. There were lewd messages, tweets and replies from various accounts. It's shocking that the identity of the woman kept confidential just because she's a woman. This case recognized as a crime under Section 354D of the Indian Penal Code (IPC) and also under Information Technology Act of 2000. This case has the potential to attract stringent legal action and serves as a precedent for other similar cases. Here men are not safe either. Regardless of gender we should initiate protection to everybody. Public figures like Nair face a unique challenge in the digital world. Their visibility makes them more vulnerable to online threats, including obsessive fans, individuals motivated by vengeance. As this defamation can destroy careers and reputations. Cases of cyber stalking led victim feel unsafe and profoundly anxious about their personal lives.

INDIAN STUDENT WHO GOT KILLED BY AUSTRALIAN GIRL

Maulin Rathod a 25-year-old accountant Indian student who went to Australia for his higher education fell in a deadly trap. Like many international students, Rathod sought a brighter life, striving for success through hard work and dedication. Living far away from family in Gujrat, India, Rathod was getting familiarize with western culture. Maulin met a girl named Jamie Lee Dolheguy aged 18 years through dating app. She lived in Sydney's western suburbs. They exchanged messages and developed intimate relation where Jamie invited him and offered sex. Maulin was so blind that he didn't understand from Jamie's profile that she has personality disorder, suicidal ideation and many more. The teenager went online and searched that she going to kill someone that night for fun. The moment Maulin arrived she strangled him using a rope and choked him. She found guilty of man slaughter. The sheer brutality of the murder shook the community and drew widespread media attention. The teenage was charged with attempted murder, intentionally causing grievous injury and murder charge. She was remanded in custody before the Melbourne Magistrate court. This case took place in the 2018 in Australia.

During the trial, her defense team centered their arguments on her mental health, claiming that her cognitive impairments had profoundly influenced her behavior. Prosecutors, however, emphasized the brutality of the crime and premeditated nature of the attack. The court proceedings were both complex and emotionally charged.

Conclusion

In examining the complexities surrounding men's rights, particularly as they pertain grave issues of murder and cyber stalking. It's crucial to recognize the challenges men face. While statistical data often highlights women as frequent victims in case of murder and stalking but when same scenario happen with men these violence goes unnoticed. Men face a significant risk of certain types of abuse and violence. According to global statistics, men are more likely to be victims of homicide and are often exposed to dangerous environments. Men, like all other individuals deserve protection from abuse and murder. By ensuring that men's rights are recognized and upheld, societies can foster safer environment for everyone promoting dignity, safety and equality across all genders.

