# IPC Section 135

## Section 135 of the Indian Penal Code: Aiding Escape of, Rescuing or Harboring Such Prisoner  
  
Section 135 of the Indian Penal Code (IPC) deals with the offenses of aiding the escape of, rescuing, or harboring a prisoner who has been charged with or convicted of mutiny, or who has been found guilty of desertion or attempting to desert. This section complements other provisions related to mutiny and desertion within the IPC, specifically targeting those who assist such offenders in evading justice or military discipline. A comprehensive understanding of Section 135 requires a thorough examination of its components, including the definition of key terms, the essential elements of the offense, the prescribed punishments, and its relationship with other relevant provisions within the IPC and other applicable laws.  
  
\*\*Defining Key Terms:\*\*  
  
\* \*\*Aiding Escape:\*\* This refers to any act that facilitates a prisoner's escape from lawful custody. This assistance can take various forms, such as providing tools for breaking out of prison, arranging transportation for the escapee, or creating a diversion to distract guards. The essence of aiding escape is providing assistance that enables the prisoner to regain their freedom unlawfully.  
  
\* \*\*Rescuing:\*\* This involves forcibly freeing a prisoner from lawful custody. It implies a more direct and active intervention than aiding escape, often involving the use of force or the threat of force against those holding the prisoner. Rescuing a prisoner demonstrates a clear intent to obstruct justice and undermine the authority of the legal system.  
  
\* \*\*Harboring:\*\* This means providing shelter or refuge to a prisoner who has escaped or is attempting to escape lawful custody. Harboring can include providing food, lodging, or concealing the prisoner from authorities. The act of harboring helps the escapee evade capture and continue their unlawful freedom.  
  
\* \*\*Prisoner:\*\* In the context of Section 135, a "prisoner" refers to someone who is in lawful custody, either awaiting trial or serving a sentence. This includes individuals charged with or convicted of mutiny, as well as those found guilty of desertion or attempting to desert from the armed forces.  
  
\* \*\*Mutiny:\*\* While not explicitly defined within the IPC, mutiny generally refers to a collective and organized rebellion against constituted authority, particularly within the armed forces. It involves a concerted effort by members of the military to resist lawful commands or overthrow their superiors.  
  
\* \*\*Desertion:\*\* Desertion is the unauthorized absence from duty by a member of the armed forces with the intent to remain permanently absent. It represents a serious breach of military discipline and can compromise the operational readiness of the armed forces.  
  
\* \*\*Attempting to Desert:\*\* This refers to actions taken by a member of the armed forces that demonstrate a clear intent to desert, even if the desertion is not ultimately successful. These actions might include preparing for escape, gathering supplies, or making arrangements for transportation away from their duty station.  
  
  
\*\*Elements of the Offense:\*\*  
  
To establish an offense under Section 135, the prosecution must prove the following elements beyond reasonable doubt:  
  
1. \*\*Aiding Escape, Rescuing, or Harboring:\*\* The accused must have either aided the escape of, rescued, or harbored a prisoner. The prosecution needs to demonstrate that the accused actively participated in facilitating the prisoner's escape, forcibly freeing them from custody, or providing them with shelter and refuge.  
  
2. \*\*Prisoner Charged with or Convicted of Mutiny, Desertion, or Attempting to Desert:\*\* The prisoner being aided, rescued, or harbored must have been charged with or convicted of mutiny, or found guilty of desertion or attempting to desert from the armed forces. This specific requirement connects Section 135 to other offenses related to military discipline and national security. The prosecution must prove the status of the prisoner as someone involved in these specific offenses.  
  
3. \*\*Knowledge of the Prisoner's Status:\*\* The accused must have known that the person they aided, rescued, or harbored was a prisoner charged with or convicted of mutiny, desertion, or attempting to desert. This element requires proving the accused's awareness of the prisoner's legal status and the nature of the offenses they had committed or been charged with.  
  
  
\*\*Punishment:\*\*  
  
Section 135 prescribes a punishment of imprisonment for a term which may extend to two years, or with fine, or with both. While less severe than the punishments for mutiny itself, this penalty reflects the seriousness of obstructing justice and aiding those who have committed offenses against military discipline. The court will consider the specific circumstances of the case, including the nature of the assistance provided and the accused's relationship to the prisoner, when determining the appropriate sentence.  
  
\*\*Relationship with Other Provisions:\*\*  
  
Section 135 is closely related to other provisions within the IPC and other laws that address offenses against the state and the armed forces. Some of these related provisions include:  
  
\* \*\*Sections 131-134 (Abetment of Mutiny):\*\* These sections deal with various aspects of inciting mutiny within the armed forces.  
  
\* \*\*Sections 221-227 (Escape and Rescue):\*\* These sections cover a broader range of offenses related to aiding escape and rescuing prisoners, regardless of the specific offenses they have committed.  
  
\* \*\*The Army Act, 1950, The Navy Act, 1957, and The Air Force Act, 1950:\*\* These Acts contain specific provisions relating to desertion and other disciplinary offenses within their respective branches of the armed forces. They provide a more detailed framework for dealing with these offenses within the military justice system.  
  
  
\*\*Significance of Section 135:\*\*  
  
Section 135 plays a crucial role in maintaining the effectiveness of military justice and deterring individuals from assisting those who have committed offenses against military discipline. By criminalizing aiding escape, rescuing, or harboring such prisoners, the section ensures that those who breach military law are held accountable and that others are discouraged from assisting them in evading justice. This helps to uphold the integrity of the armed forces and maintain their operational readiness.  
  
  
\*\*Why a Separate Section for Aiding Mutineers and Deserters?\*\*  
  
The existence of a separate section specifically addressing those who aid individuals involved in mutiny, desertion, or attempting to desert underscores the legislature's recognition of the specific threat these offenses pose to national security and military discipline. By providing a targeted provision, the law reinforces the importance of upholding military law and discourages actions that could undermine the effectiveness of the armed forces. This allows for a more nuanced approach to sentencing, taking into account the specific nature of the offenses committed by the prisoner being aided.  
  
  
  
\*\*Conclusion:\*\*  
  
Section 135 of the IPC is a vital provision for maintaining order and discipline within the armed forces and upholding the effectiveness of military justice. It addresses the specific offenses of aiding escape, rescuing, or harboring prisoners charged with or convicted of mutiny, desertion, or attempting to desert. The section's focus on these specific categories of prisoners reflects the gravity of these offenses and their potential impact on national security. By criminalizing actions that assist such offenders in evading justice, Section 135 reinforces the importance of upholding military law and contributes to maintaining the integrity and operational readiness of the Indian armed forces. It ensures that those who violate military discipline are held accountable and that others are deterred from providing assistance that could undermine the effectiveness of the military justice system.