# IPC Section 222

## IPC Section 222: Intentional Omission to apprehend person after it becomes legally bound to do so  
  
Section 222 of the Indian Penal Code addresses the intentional failure of a public servant to apprehend a person after they become legally obligated to do so. This provision, closely related to Section 221, focuses on situations where the duty to apprehend arises \*after\* the initial encounter with the individual. It targets dereliction of duty by public servants and aims to prevent them from allowing offenders to escape justice after they have become aware of their legal obligation to apprehend them.  
  
\*\*Detailed Breakdown of Section 222:\*\*  
  
\*\*Text of Section 222:\*\*  
  
Whoever, being legally bound to apprehend or keep in confinement any person charged with or convicted of any offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows:  
  
\*\*Punishment:\*\*  
  
\* If the offence be punishable with death, imprisonment for life, or imprisonment for a term of [ten] years or upwards, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;  
\* if the offence be punishable with imprisonment for a term which may extend to [ten] years, he shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;  
\* and if the offence be punishable with imprisonment for a term of less than [ten] years, he shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.  
  
  
  
\*\*Explanation of Key Elements:\*\*  
  
1. \*\*"Legally bound to apprehend or keep in confinement":\*\* This element establishes the scope of Section 222. It applies to public servants who have a legal duty to apprehend or detain an individual. This duty, unlike in Section 221, arises \*after\* the initial encounter with the person. This often occurs when new information comes to light about the individual's involvement in an offense, making their apprehension mandatory. The prosecution must demonstrate that the public servant became legally obligated to apprehend or confine the person at some point after their initial interaction.  
  
2. \*\*"Any person charged with or convicted of any offence":\*\* This phrase clarifies that the person subject to apprehension or confinement must be either charged with a crime or already convicted of one. This differentiates Section 222 from Section 221, which applies to the omission to apprehend \*any\* person the public servant is legally bound to apprehend, regardless of whether they have been formally charged or convicted.  
  
3. \*\*"Intentionally omits to apprehend":\*\* Similar to Section 221, this element emphasizes the requirement of intent. The public servant's failure to apprehend must be deliberate and not due to negligence, incompetence, or genuine inability to do so. The prosecution must prove that the public servant knowingly chose not to apprehend the person despite being aware of their legal obligation.  
  
4. \*\*"Intentionally suffers such person to escape":\*\* This phrase expands the scope of Section 222 to cover situations where the public servant deliberately allows a person in their custody to escape. This involves a passive act of allowing the escape rather than actively assisting in it.  
  
5. \*\*"Intentionally aids such person in escaping or attempting to escape from such confinement":\*\* This element further broadens the scope to include actively assisting a person in escaping from lawful confinement. This could involve providing tools, creating diversions, or any other form of assistance that facilitates the escape or attempted escape.  
  
6. \*\*"Punishment":\*\* The punishment under Section 222 is graded based on the severity of the offense committed by the person who escaped apprehension or confinement. This reflects the principle of proportionate punishment, where the consequences for the public servant are linked to the gravity of the crime they facilitated.  
  
  
  
\*\*Different Interpretations and Judicial Pronouncements:\*\*  
  
Judicial interpretations have clarified various aspects of Section 222:  
  
\* \*\*"Becomes legally bound":\*\* Courts have emphasized the importance of establishing the precise moment when the public servant became legally obligated to apprehend or confine the person. This often involves analyzing the sequence of events and the information available to the public servant at different points in time.  
  
\* \*\*"Intentionally":\*\* The prosecution must prove the intentional nature of the omission, suffering the escape, or aiding the escape. Mere negligence or incompetence is insufficient to attract Section 222.  
  
\* \*\*Distinction from Section 221:\*\* The key difference between Section 221 and Section 222 lies in the timing of the legal duty to apprehend. Section 221 applies when the duty exists from the outset, while Section 222 applies when the duty arises subsequently.  
  
\* \*\*Grading of punishment:\*\* The courts have consistently held that the punishment under Section 222 must be proportionate to the gravity of the offense committed by the person who escaped.  
  
  
  
\*\*Examples:\*\*  
  
\* A police officer, after initially letting someone go, learns that they are wanted for a serious crime and intentionally fails to apprehend them despite now having a legal obligation to do so.  
  
\* A prison guard, upon discovering that a prisoner is planning an escape, deliberately turns a blind eye and allows the escape to occur.  
  
\* A court official intentionally tampering with documents to facilitate the release of a convicted criminal.  
  
  
\*\*Section 222 and Related Sections:\*\*  
  
Section 222 should be read in conjunction with related provisions of the IPC:  
  
\* \*\*Section 21 (Definition of "Public Servant")\*\*: Provides the essential definition of a public servant.  
  
\* \*\*Section 221 (Intentional omission to apprehend person legally bound to apprehend):\*\* This section deals with situations where the legal duty to apprehend exists from the beginning.  
  
\* \*\*Section 223 (Escape from confinement negligently suffered by public servant):\*\* Covers instances where a public servant's negligence facilitates escape.  
  
\* \*\*Section 224 (Resistance or obstruction by a person to his lawful apprehension):\*\* Deals with offenses committed by the person being apprehended.  
  
\* \*\*Section 225A (Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for):\*\* Covers residual cases not specifically addressed by other sections.  
  
  
\*\*Elaborated Discussion on Intent and Applicability:\*\*  
  
The concept of "intent" is central to Section 222. It implies a conscious and deliberate choice by the public servant not to apprehend, to allow escape, or to assist in the escape. This requires the prosecution to delve into the public servant's state of mind and demonstrate that their actions were motivated by an improper purpose. This motive might be corruption, fear, favoritism, or any other reason that led them to deliberately disregard their legal duty.  
  
  
The applicability of Section 222 also depends on the establishment of a clear legal duty to apprehend or confine, which arises \*after\* the initial encounter with the individual. This might occur when new evidence emerges linking the person to a crime, a warrant is issued for their arrest, or their behavior while in custody justifies further detention. The prosecution must establish the specific point in time when this legal duty came into existence and demonstrate that the public servant was aware of this obligation.  
  
  
The graded punishment structure under Section 222 requires careful consideration of the offense committed by the person who escaped. The punishment for the public servant is determined by the potential penalty for the escaped person's crime. This necessitates a thorough investigation of the escaped person's alleged or convicted offense to determine the appropriate punishment for the public servant's act of omission or assistance in the escape.  
  
  
\*\*Conclusion:\*\*  
  
Section 222 of the IPC plays a crucial role in maintaining the effectiveness of the criminal justice system and ensuring accountability within the public sector. By addressing situations where public servants intentionally fail to apprehend or allow the escape of individuals after becoming legally obligated to do so, it prevents the obstruction of justice and reinforces the importance of fulfilling one's legal duties. The element of intent ensures that only deliberate acts are penalized, while the graded punishment system ensures that the consequences for the public servant are proportionate to the gravity of the crime they facilitated. Section 222, along with its related provisions, forms a comprehensive framework for addressing escapes from lawful custody and holding public servants accountable for their actions, ultimately contributing to a more just and secure society.