# IPC Section 357

## Section 357 of the Indian Penal Code: Assault or Criminal Force in Attempt to Commit Robbery  
  
Section 357 of the Indian Penal Code (IPC) addresses the specific offense of assaulting or using criminal force in an attempt to commit robbery. This provision recognizes the inherent danger and potential for violence associated with robbery attempts and aims to deter such acts by prescribing specific punishments. This essay will provide a comprehensive analysis of Section 357, exploring its various facets, including its essential ingredients, the interplay between robbery, assault, and criminal force, the meaning of "attempt," the distinction between robbery and extortion, the burden of proof, defenses available to the accused, the prescribed punishment, relevant case laws, and the significance of this section in safeguarding individuals from violence during robbery attempts and maintaining public order.  
  
\*\*I. The Text of Section 357:\*\*  
  
Section 357 of the IPC states: “Whoever assaults or uses criminal force to any person, in attempting to commit robbery, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”  
  
\*\*II. Essential Ingredients of Section 357:\*\*  
  
To establish the offense under Section 357, the prosecution must prove the following essential ingredients beyond a reasonable doubt:  
  
1. \*\*Assault or Use of Criminal Force:\*\* The accused must have either assaulted or used criminal force against the victim.  
 \* \*\*Assault (Section 351):\*\* Making any gesture or preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that the person making the gesture or preparation is about to use criminal force.  
 \* \*\*Criminal Force (Section 350):\*\* Intentionally using force to any person, without that person's consent, in order to the committing of any offense, or with the knowledge that such force is likely to cause injury, fear, or annoyance.  
  
2. \*\*Attempt to Commit Robbery:\*\* The assault or criminal force must be used in an attempt to commit robbery. This requires demonstrating that the accused took steps towards committing robbery, even if they did not ultimately succeed in stealing any property.  
  
\*\*III. Understanding Robbery (Section 390):\*\*  
  
Robbery is defined under Section 390 of the IPC and involves the following elements:  
  
1. \*\*Theft:\*\* The core element of robbery is theft, which is defined under Section 378 as the dishonest taking of movable property out of the possession of any person without that person's consent, intending to take dishonestly.  
  
2. \*\*Accompanying Circumstances:\*\* Robbery is theft committed under specific aggravating circumstances:  
 \* \*\*Voluntarily causing or attempting to cause hurt:\*\* Using violence or threatening violence to the victim or any other person present.  
 \* \*\*Putting or attempting to put any person in fear of hurt or of instant death:\*\* Instilling fear in the victim or others to facilitate the theft.  
 \* \*\*Committing or attempting to commit wrongful restraint:\*\* Restricting the victim's movement to enable the theft.  
  
  
\*\*IV. Interplay Between Robbery, Assault, and Criminal Force:\*\*  
  
Section 357 focuses on the use of assault or criminal force \*during an attempt\* to commit robbery. This means the accused intended to commit theft with the accompanying aggravating circumstances of robbery but did not succeed in completing the theft. The use of force, even if the robbery is not successful, is punishable under this section.  
  
\*\*V. Meaning of "Attempt":\*\*  
  
The concept of "attempt" in Section 357 requires that the accused goes beyond mere preparation and takes some concrete steps towards committing robbery. The precise point where preparation transitions into an attempt is determined based on the specific facts of each case. The courts generally consider whether the accused's actions clearly indicate an intention to commit robbery and whether they have crossed the line from planning to execution.  
  
\*\*VI. Distinction Between Robbery and Extortion:\*\*  
  
While both robbery and extortion involve unlawfully obtaining property, there are key differences:  
  
\* \*\*Robbery:\*\* Involves the use of force or threat of immediate force to obtain property from the victim's presence.  
\* \*\*Extortion (Section 383):\*\* Involves putting a person in fear of injury and dishonestly inducing them to deliver any property or valuable security. The threat in extortion can be of future harm, not necessarily immediate.  
  
Section 357 applies specifically to attempts to commit robbery, not extortion.  
  
\*\*VII. Burden of Proof:\*\*  
  
The burden of proving the offense under Section 357 lies with the prosecution. They must establish all the essential ingredients beyond a reasonable doubt. The accused is presumed innocent until proven guilty.  
  
\*\*VIII. Defenses Available to the Accused:\*\*  
  
An accused charged under Section 357 can raise various defenses:  
  
\* \*\*No intention to commit robbery:\*\* The accused can argue that they did not intend to commit theft with the aggravating circumstances of robbery.  
\* \*\*No assault or criminal force:\*\* The accused can argue that their actions did not constitute assault or criminal force as defined under the IPC.  
\* \*\*No attempt to commit robbery:\*\* The accused can argue that their actions were merely preparatory and did not constitute an attempt to commit robbery.  
\* \*\*Mistake of fact:\*\* The accused can argue that they acted under a genuine and reasonable belief in a set of facts that, if true, would have made their actions lawful.  
  
\*\*IX. Prescribed Punishment:\*\*  
  
Section 357 prescribes a punishment of imprisonment for up to seven years and a fine. The punishment is more severe than that for simple assault or criminal force, reflecting the potential for violence and harm associated with robbery attempts. The actual sentence imposed will depend on the specific facts of the case, the nature of the assault or criminal force used, and the intended target of the robbery.  
  
  
\*\*X. Relevant Case Laws:\*\*  
  
Several court judgments have shaped the interpretation and application of Section 357, focusing on the meaning of "attempt" and the distinction between preparation and execution. These cases also clarify the elements of robbery and the distinction between robbery and extortion:  
  
\* \*\*\*State of Maharashtra v. Dnyaneshwar Laxman Rao Jadhav\*\*\*: This case discussed the elements of robbery and the meaning of "attempt."  
  
  
\*\*XI. Conclusion:\*\*  
  
Section 357 of the IPC serves as a crucial legal provision for protecting individuals from violence during robbery attempts and maintaining public order. It specifically addresses the use of assault or criminal force in attempts to commit robbery, recognizing the inherent danger posed by such acts. By prescribing a significant punishment, this section aims to deter such attempts and ensure the safety and security of individuals. Understanding the nuances of Section 357, including its essential ingredients, the concept of "attempt," the distinction between robbery and extortion, and the available defenses, is crucial for its effective implementation and the protection of individual rights.