# IPC Section 385

## Section 385 of the Indian Penal Code: An In-Depth Analysis of Putting Person in Fear of Injury in Order to Commit Extortion  
  
Section 385 of the Indian Penal Code (IPC) defines the punishment for putting a person in fear of injury in order to commit extortion. This provision clarifies the penalties for attempting extortion, even if the actual extortion is not successful. This detailed analysis will delve into the nuances of Section 385, examining the prescribed punishment, the relationship between attempt and completed extortion, its interplay with other related provisions, and the evolving judicial interpretation that shapes its application.  
  
\*\*I. The Text of Section 385\*\*  
  
Section 385 of the IPC states:  
  
"Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of any injury to that person, or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."  
  
This concisely worded provision encompasses several crucial elements:  
  
\* \*\*"In order to the committing of extortion":\*\* This phrase establishes the intent behind the action. The accused must act with the specific purpose of committing extortion. Extortion, as defined in Section 383, involves intentionally putting a person in fear of any injury and dishonestly inducing them to deliver any property or valuable security. A clear understanding of extortion is essential for the application of Section 385.  
  
\* \*\*"Puts or attempts to put any person in fear":\*\* This element highlights the actus reus, or the guilty act, of the offense. The accused must either successfully instill fear in the victim or attempt to do so. The actual infliction of injury is not required. The mere act of attempting to instill fear is sufficient to constitute the offense.  
  
\* \*\*"Fear of any injury":\*\* The fear instilled must be of "any injury," which is broadly defined in the IPC to encompass any harm, whether physical, psychological, or reputational. The fear must be of such a nature that a reasonable person would be apprehensive about the threatened injury.  
  
\* \*\*"To that person, or to any other":\*\* The fear of injury can be directed at the victim themselves or any other person, including family members, friends, or associates.  
  
\* \*\*"Imprisonment of either description for a term which may extend to seven years":\*\* This specifies the punishment for attempting extortion, which is higher than the maximum punishment of three years for completed extortion under Section 384. This seemingly paradoxical sentencing structure reflects the legislative intent to deter attempts at extortion and recognize the potential harm even when the extortion is unsuccessful.  
  
\* \*\*"And shall also be liable to fine":\*\* In addition to imprisonment, the court may also impose a fine. The amount of the fine is at the discretion of the court.  
  
  
\*\*II. Rationale for Punishing Attempted Extortion\*\*  
  
The rationale for punishing attempted extortion, even more severely than completed extortion in some cases, stems from several considerations:  
  
  
\* \*\*Deterrence:\*\* The higher penalty for attempting extortion serves as a strong deterrent, discouraging individuals from even attempting to engage in such coercive conduct.  
  
\* \*\*Protection of Potential Victims:\*\* The law recognizes the potential harm to victims even when the extortion attempt is unsuccessful. The psychological distress and fear caused by the attempt warrant protection.  
  
\* \*\*Preventing Escalation of Criminal Conduct:\*\* Punishing attempts prevents the escalation of criminal behavior. By intervening at the attempt stage, the law aims to prevent the completion of the extortion and any potential violence associated with it.  
  
\* \*\*Recognizing Criminal Intent:\*\* The law punishes the criminal intent behind the act, even if the intended outcome is not achieved. The attempt demonstrates a willingness to engage in coercive behavior, which warrants punishment.  
  
  
\*\*III. Distinguishing Section 385 from Related Offenses\*\*  
  
It is crucial to differentiate Section 385 from other related offenses:  
  
\* \*\*Section 383 (Extortion):\*\* Section 385 deals with the attempt to commit extortion, while Section 383 deals with the completed offense.  
  
\* \*\*Section 384 (Punishment for extortion):\*\* Section 384 prescribes the punishment for completed extortion, while Section 385 prescribes the punishment for attempting extortion.  
  
\* \*\*Section 386 (Extortion by putting a person in fear of death or grievous hurt):\*\* This deals with a more serious form of extortion involving threats of death or grievous hurt, and the corresponding attempt would fall under Section 511 read with Section 386.  
  
\* \*\*Section 387 (Extortion by putting a person in fear of accusation of an offence punishable with death or imprisonment for life):\*\* This addresses extortion by threatening a false accusation of a serious offense, and the attempt would fall under Section 511 read with Section 387.  
  
  
\* \*\*Section 503 (Criminal intimidation):\*\* While criminal intimidation is a separate offense, it often forms the basis of an attempt to commit extortion.  
  
\* \*\*Section 511 (Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment):\*\* This is a general provision dealing with attempts to commit offenses. Section 385 provides a specific punishment for attempting extortion.  
  
  
  
\*\*IV. Key Elements for Establishing an Offense Under Section 385\*\*  
  
To secure a conviction under Section 385, the prosecution must prove the following elements beyond reasonable doubt:  
  
\* \*\*Intent to Commit Extortion:\*\* The accused must act with the specific intent to commit extortion.  
  
\* \*\*Act of Putting or Attempting to Put in Fear:\*\* The accused must either successfully instill fear of injury in the victim or attempt to do so.  
  
\* \*\*Nature of Fear:\*\* The fear must be of "any injury" as defined in the IPC.  
  
  
\*\*V. Judicial Interpretation and Case Laws\*\*  
  
Numerous judicial pronouncements have shaped the understanding and application of Section 385. These cases have addressed various issues, including:  
  
  
\* \*\*Proximity to Completed Offense:\*\* The courts have clarified that the attempt must be sufficiently proximate to the completed offense of extortion. Mere preparation is not enough.  
  
\* \*\*Evidence of Intent:\*\* The prosecution must present sufficient evidence to establish the accused's intent to commit extortion.  
  
  
\* \*\*Nature of Threat:\*\* The threat must be such that a reasonable person would be put in fear of injury.  
  
  
  
\*\*VI. Conclusion\*\*  
  
Section 385 of the IPC plays a critical role in deterring and punishing attempts at extortion, recognizing the potential harm even when the extortion is not successful. A thorough grasp of the elements of the offense, its relationship with related provisions, and the evolving judicial interpretations is crucial for its effective application. The continued development of jurisprudence surrounding attempted extortion demonstrates the ongoing effort to refine legal principles and ensure that they adequately address the complexities of criminal behavior and the importance of intervening early to prevent harm.