# IPC Section 386

## Indian Penal Code Section 386: Extortion by putting a person in fear of death or grievous hurt  
  
Section 386 of the Indian Penal Code (IPC) deals with the aggravated form of extortion where the accused puts a person in fear of death or grievous hurt in order to commit extortion. It elevates the basic offense of extortion under Section 383 to a more serious crime due to the increased threat and potential harm involved. This detailed analysis will explore the various facets of Section 386, including its ingredients, essential elements, related sections, relevant case laws, and potential defenses.  
  
\*\*I. The Text of Section 386:\*\*  
  
"Extortion by putting a person in fear of death or grievous hurt.—Whoever commits extortion, by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."  
  
\*\*II. Ingredients of Section 386:\*\*  
  
1. \*\*Extortion:\*\* The foundation of Section 386 is the commission of extortion as defined under Section 383 of the IPC. Extortion involves intentionally putting a person in fear of any injury to that person or to any other, and thereby dishonestly inducing the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security. Therefore, the prosecution must first establish all the elements of extortion before moving on to the aggravated elements under Section 386.  
  
2. \*\*Fear of Death or Grievous Hurt:\*\* The distinguishing feature of Section 386 is the specific kind of fear instilled in the victim. It must be a fear of death or grievous hurt.  
  
 \* \*\*Fear of Death:\*\* This refers to a reasonable apprehension in the victim's mind that their life is in danger due to the accused's actions or threats.  
  
 \* \*\*Fear of Grievous Hurt:\*\* "Grievous hurt" is defined under Section 320 of the IPC and includes emasculation, permanent privation of the sight of either eye, permanent privation of the hearing of either ear, privation of any member or joint, destruction or permanent impairing of the powers of any member or joint, permanent disfiguration of the head or face, fracture or dislocation of a bone or tooth, any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits. The fear instilled in the victim must be related to one of these specific injuries.  
  
3. \*\*Putting a person in fear:\*\* The accused must actively induce the fear of death or grievous hurt in the victim. Mere coincidence of fear and delivery of property is insufficient. A causal link between the accused's actions and the victim's fear must be established. This can be achieved through explicit threats, implicit intimidation, or through actions that create a reasonable apprehension of such harm.  
  
4. \*\*Intention:\*\* The accused must have the intention to induce fear of death or grievous hurt in order to commit extortion. The prosecution needs to prove this intention beyond reasonable doubt.  
  
\*\*III. Distinction between Section 383 (Extortion) and Section 386 (Extortion by putting a person in fear of death or grievous hurt):\*\*  
  
The key difference lies in the severity of the threat used to induce the victim. While Section 383 covers extortion through any kind of injury, Section 386 specifically deals with threats of death or grievous hurt. This difference in the nature of the threat reflects the enhanced gravity of the offense under Section 386, which carries a significantly higher punishment.  
  
\*\*IV. Related Sections:\*\*  
  
\* \*\*Section 383 (Extortion):\*\* Forms the basis of Section 386.  
\* \*\*Section 384 (Punishment for extortion):\*\* Prescribes the punishment for basic extortion.  
\* \*\*Section 387 (Putting person in fear of death or of grievous hurt, in order to commit extortion):\*\* Similar to Section 386 but focuses on the act of putting a person in fear rather than the completed act of extortion.  
\* \*\*Section 388 (Extortion by threat of accusation of an offence punishable with death or imprisonment for life, etc.):\*\* Deals with extortion by threatening to accuse someone of a serious offense.  
\* \*\*Section 389 (Putting person in fear of accusation of offence, in order to commit extortion):\*\* Similar to Section 388 but focuses on the act of putting a person in fear rather than the completed act of extortion.  
\* \*\*Section 503 (Criminal intimidation):\*\* While distinct from extortion, criminal intimidation can be a component of the actions that put a person in fear of death or grievous hurt.  
\* \*\*Section 506 (Punishment for criminal intimidation):\*\* Prescribes the punishment for criminal intimidation.  
  
\*\*V. Essential Elements for Prosecution:\*\*  
  
To successfully prosecute a case under Section 386, the prosecution must prove the following elements beyond a reasonable doubt:  
  
1. The accused intentionally put the victim in fear of death or grievous hurt.  
2. The fear was induced by the accused's actions or words.  
3. The accused dishonestly induced the victim to deliver any property or valuable security due to this fear.  
4. The accused had the intention to commit extortion.  
  
  
\*\*VI. Defenses against Section 386:\*\*  
  
Several defenses can be raised against a charge under Section 386:  
  
1. \*\*Lack of intention:\*\* The accused may argue that they had no intention to induce fear of death or grievous hurt, or no intention to commit extortion.  
2. \*\*No fear of death or grievous hurt:\*\* The defense may argue that the victim did not genuinely fear death or grievous hurt, or that the fear was not reasonable under the circumstances.  
3. \*\*No inducement:\*\* The accused may argue that the victim delivered the property voluntarily and not due to any inducement arising from fear.  
4. \*\*Lack of dishonest intention:\*\* The accused might argue that they believed they had a legal right to the property.  
5. \*\*Consent:\*\* In rare cases, the defense might argue that the victim consented to the transfer of property, although proving consent in cases involving threats of death or grievous hurt would be extremely challenging.  
6. \*\*Mistaken identity:\*\* The accused might claim that they were not the person who committed the extortion.  
7. \*\*Alibi:\*\* The accused might claim they were somewhere else at the time of the offense.  
  
  
\*\*VII. Relevant Case Laws:\*\*  
  
Numerous case laws have interpreted and applied Section 386. These cases help in understanding the nuances of the section and its application in specific scenarios. While mentioning specific case names and details is beyond the scope of this description, it's essential to consult relevant case laws when dealing with a charge under Section 386.  
  
  
\*\*VIII. Conclusion:\*\*  
  
Section 386 of the IPC deals with a serious offense that involves using the threat of death or grievous hurt to extort property. Understanding the ingredients, essential elements, related sections, and potential defenses is crucial for both prosecution and defense in cases related to this section. This detailed analysis provides a comprehensive understanding of Section 386 and its implications. However, it is always recommended to consult with a legal professional for specific legal advice.