# IPC Section 387

## Indian Penal Code Section 387: Putting person in fear of death or of grievous hurt, in order to commit extortion  
  
Section 387 of the Indian Penal Code (IPC) deals with the act of putting a person in fear of death or grievous hurt in order to commit extortion. It criminalizes the attempt to commit extortion by instilling such fear, even if the extortion itself is not successful. This inchoate offense focuses on the creation of the threatening environment designed to facilitate extortion, irrespective of whether the intended property transfer actually takes place. This detailed analysis will explore the various facets of Section 387, including its ingredients, essential elements, related sections, relevant case laws, and potential defenses.  
  
\*\*I. The Text of Section 387:\*\*  
  
"Putting person in fear of death or of grievous hurt, in order to commit extortion.—Whoever, in order to commit extortion, puts any person in fear, or attempts to put 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 seven years, and shall also be liable to fine."  
  
\*\*II. Ingredients of Section 387:\*\*  
  
1. \*\*Intent to Commit Extortion:\*\* The primary ingredient of Section 387 is the intention to commit extortion. The accused must have the specific intent to induce the victim to deliver property or valuable security through the fear they instill. This distinguishes Section 387 from other offenses involving threats or intimidation, where the intention might be different, such as causing harm or instilling fear for its own sake.  
  
2. \*\*Putting a Person in Fear of Death or Grievous Hurt:\*\* The accused must put, or attempt to put, the victim in fear of either death or grievous hurt.  
  
 \* \*\*Fear of Death:\*\* This means 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. The fear must relate to one of the injuries specified in this section, which include emasculation, permanent privation of sight or hearing, loss of limb or joint function, permanent disfiguration, fractures, and any injury endangering life or causing prolonged severe pain or disability.  
  
3. \*\*Act of Putting in Fear or Attempt to Put in Fear:\*\* The accused must have taken some action towards putting the victim in fear of death or grievous hurt. This could be through direct threats, implicit intimidation, or actions that create a reasonable apprehension of such harm. The section explicitly covers both successful and unsuccessful attempts. Even if the victim does not actually experience fear, the attempt itself is sufficient to constitute the offense if the intent can be established.  
  
4. \*\*Connection between Fear and Extortion:\*\* The fear of death or grievous hurt must be instilled \*in order to\* commit extortion. There must be a direct causal link between the threat and the intended extortion. The prosecution must demonstrate that the accused intended to leverage the induced fear to obtain something from the victim.  
  
  
\*\*III. Distinction between Section 386 (Extortion by putting a person in fear of death or grievous hurt) and Section 387 (Putting person in fear of death or of grievous hurt, in order to commit extortion):\*\*  
  
The crucial difference lies in the completion of the extortion. Section 386 requires the actual commission of extortion, i.e., the victim must have delivered the property due to the induced fear. Section 387, on the other hand, focuses on the attempt to commit extortion by putting the victim in fear, regardless of whether the victim actually parts with any property. Section 387 criminalizes the inchoate offense, while Section 386 punishes the completed act of extortion.  
  
\*\*IV. Related Sections:\*\*  
  
\* \*\*Section 383 (Extortion):\*\* Defines the offense of extortion.  
\* \*\*Section 384 (Punishment for extortion):\*\* Prescribes punishment for basic extortion.  
\* \*\*Section 386 (Extortion by putting a person in fear of death or grievous hurt):\*\* Deals with the completed act of extortion using the specified threats.  
\* \*\*Section 388 (Extortion by threat of accusation of an offence punishable with death or imprisonment for life, etc.):\*\* Covers extortion by threatening with accusations of serious offenses.  
\* \*\*Section 389 (Putting person in fear of accusation of offence, in order to commit extortion):\*\* Similar to Section 388 but focuses on the attempt.  
\* \*\*Section 503 (Criminal intimidation):\*\* Deals with threats to harm a person's reputation, property, or person.  
\* \*\*Section 506 (Punishment for criminal intimidation):\*\* Prescribes punishment for criminal intimidation.  
\* \*\*Section 511 (Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonments):\*\* Deals with attempts to commit various offenses, including extortion.  
  
\*\*V. Essential Elements for Prosecution:\*\*  
  
The prosecution must prove the following elements beyond a reasonable doubt:  
  
1. The accused intended to commit extortion.  
2. The accused put or attempted to put the victim in fear of death or grievous hurt.  
3. The accused's actions were intended to induce this fear to facilitate the extortion.  
  
  
\*\*VI. Defenses against Section 387:\*\*  
  
Several defenses can be raised against a charge under Section 387:  
  
1. \*\*Lack of intention to commit extortion:\*\* The accused may argue that they had no intention to extort anything from the victim. Their threats, if any, were for a different purpose.  
2. \*\*No intention to cause fear of death or grievous hurt:\*\* The accused may argue that their actions or words were not intended to cause the victim to fear death or grievous hurt. They might claim that their conduct was misinterpreted.  
3. \*\*No act or attempt to put in fear:\*\* The defense could argue that the accused did not take any action or make any attempt to instill fear in the victim.  
4. \*\*No connection between fear and intended extortion:\*\* The defense might argue that even if there were threats and fear, there was no intention to leverage that fear to extort anything from the victim.  
5. \*\*Mistake of fact:\*\* The accused might argue that they acted under a genuine and reasonable mistake of fact that negated the criminal intent.  
6. \*\*Absence of preparation:\*\* If the charge relates to an attempt, the defense could argue that the accused's actions did not go beyond mere preparation and did not constitute an attempt to put the victim in fear.  
  
  
\*\*VII. Relevant Case Laws:\*\*  
  
Numerous case laws have interpreted and applied Section 387. These cases provide valuable insights into the judicial understanding of the section and its application in specific situations. Consulting relevant case law is essential when dealing with a charge under Section 387, as they help clarify the nuances of the law and its application to specific factual scenarios. While detailing specific case names and their facts is beyond the scope of this explanation, researching relevant jurisprudence is crucial for a comprehensive understanding.  
  
\*\*VIII. Conclusion:\*\*  
  
Section 387 of the IPC criminalizes the attempt to extort property by putting a person in fear of death or grievous hurt. It focuses on the creation of a threatening environment intended to facilitate extortion, even if the extortion is not ultimately successful. 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 overview of Section 387 and its implications. However, it is always recommended to consult with a legal professional for specific legal advice tailored to individual circumstances.