# IPC Section 390

## Indian Penal Code Section 390: Robbery  
  
Section 390 of the Indian Penal Code (IPC) defines the offense of robbery. Robbery is essentially aggravated theft, where the taking of property is accompanied by the use of force or the threat of immediate force. It is a serious offense that violates both a person's property rights and their personal safety. This detailed analysis will explore the various facets of Section 390, including its ingredients, essential elements, related sections, different forms of robbery, potential defenses, and relevant case laws.  
  
  
\*\*I. The Text of Section 390:\*\*  
  
"Robbery.—In all robbery there is either theft or extortion.  
  
When theft is robbery.—Theft is “robbery” if, in order to commit theft, or in committing theft, or in carrying away or attempting to carry away property obtained by theft, the offender, for that end, voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint or fear of instant death or of instant hurt, or of instant wrongful restraint.  
  
When extortion is robbery.—Extortion is “robbery” if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and by so putting in fear induces the person so put in fear then and there to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security."  
  
  
\*\*II. Ingredients of Section 390:\*\*  
  
Section 390 defines robbery in terms of two underlying offenses: theft and extortion.  
  
\*\*A. Robbery when Theft is the base offense:\*\*  
  
1. \*\*Theft:\*\* The starting point must be the commission of theft, as defined under Section 378 of the IPC. All elements of theft must be present: dishonest moving of property with the intention of taking it out of the possession of another person without that person's consent and with the intention of such taking being dishonest.  
  
2. \*\*Voluntary Causing or Attempting to Cause:\*\* The offender must \*voluntarily\* cause or attempt to cause one of the following:  
  
 \* \*\*Death:\*\* Causing the death of any person.  
 \* \*\*Hurt:\*\* Causing any injury to any person, as defined under Section 319 of the IPC.  
 \* \*\*Wrongful Restraint:\*\* Wrongfully restraining any person, as defined under Section 339 of the IPC.  
 \* \*\*Fear of Instant Death, Hurt, or Wrongful Restraint:\*\* Instilling in any person a fear of immediate death, hurt, or wrongful restraint. The fear must be of immediate harm, not of harm in the future.  
  
3. \*\*Connection to Theft:\*\* The causing or attempting to cause death, hurt, wrongful restraint, or the fear thereof must be connected to the theft in one of the following ways:  
  
 \* \*\*In order to commit theft:\*\* The force or threat is used before the actual taking of the property to facilitate the theft.  
 \* \*\*In committing theft:\*\* The force or threat is used during the process of taking the property.  
 \* \*\*In carrying away or attempting to carry away property obtained by theft:\*\* The force or threat is used after the property has been taken, to enable the offender to escape with the stolen property.  
  
\*\*B. Robbery when Extortion is the base offense:\*\*  
  
1. \*\*Extortion:\*\* The starting point must be the commission of extortion, as defined under Section 383 of the IPC. All elements of extortion must be present: intentionally putting a person in fear of any injury and dishonestly inducing the person to deliver property because of that fear.  
  
2. \*\*Presence of the Offender:\*\* The offender must be present before the person they are putting in fear. This requirement of physical presence distinguishes this type of robbery from other forms of extortion.  
  
3. \*\*Fear of Instant Death, Hurt, or Wrongful Restraint:\*\* The fear instilled in the victim must be of immediate death, hurt, or wrongful restraint, not a threat of future harm.  
  
4. \*\*Immediate Delivery of Property:\*\* The fear must induce the victim to deliver the property "then and there" – immediately upon being put in fear.  
  
\*\*III. Distinction between Theft, Extortion, and Robbery:\*\*  
  
\* \*\*Theft:\*\* Involves dishonestly taking property without the owner's consent and without the use of force or threat of immediate force.  
\* \*\*Extortion:\*\* Involves obtaining property by putting a person in fear of any injury, but the offender does not need to be present before the victim, and the delivery of property might not be immediate.  
\* \*\*Robbery:\*\* Is an aggravated form of theft or extortion where the taking of property involves the use of force or threat of immediate force. In robbery stemming from theft, force can be used before, during, or after the taking of property. In robbery stemming from extortion, the offender must be present and the property must be delivered immediately due to the threat of instant harm.  
  
\*\*IV. Related Sections:\*\*  
  
\* \*\*Section 378 (Theft):\*\* Defines the offense of theft.  
\* \*\*Section 379 (Punishment for theft):\*\* Prescribes punishment for theft.  
\* \*\*Section 383 (Extortion):\*\* Defines the offense of extortion.  
\* \*\*Section 384 (Punishment for extortion):\*\* Prescribes punishment for extortion.  
\* \*\*Section 392 (Punishment for robbery):\*\* Prescribes punishment for robbery, which varies depending on the degree of violence or threat used.  
\* \*\*Section 393 (Attempt to commit robbery):\*\* Deals with attempted robbery.  
\* \*\*Section 394 (Voluntarily causing hurt in committing robbery):\*\* Addresses robbery accompanied by causing hurt.  
\* \*\*Section 397 (Robbery, or dacoity, with attempt to cause death or grievous hurt):\*\* Deals with robbery involving attempts to cause death or grievous hurt.  
  
  
\*\*V. Different Forms of Robbery:\*\*  
  
Section 390 encompasses various scenarios and degrees of violence or threat. The punishment for robbery under Section 392 varies based on these factors:  
  
\* \*\*Simple Robbery:\*\* Basic robbery without causing grievous hurt.  
\* \*\*Robbery with hurt:\*\* Robbery accompanied by causing hurt to any person.  
\* \*\*Robbery with grievous hurt:\*\* Robbery accompanied by causing grievous hurt to any person.  
\* \*\*Robbery with attempt to cause death or grievous hurt:\*\* The most severe form of robbery, where the offender attempts to cause death or grievous hurt during the commission of the robbery.  
  
\*\*VI. Essential Elements for Prosecution:\*\*  
  
The essential elements that the prosecution must prove beyond a reasonable doubt depend on whether the robbery stems from theft or extortion:  
  
\*\*Robbery from Theft:\*\*  
  
1. The accused committed theft.  
2. The accused voluntarily caused or attempted to cause death, hurt, wrongful restraint, or fear of instant death, hurt, or wrongful restraint.  
3. This act was committed in order to commit theft, in committing theft, or in carrying away or attempting to carry away property obtained by theft.  
  
\*\*Robbery from Extortion:\*\*  
  
1. The accused committed extortion.  
2. The accused was present before the person put in fear.  
3. The accused put the victim in fear of instant death, hurt, or wrongful restraint.  
4. The victim delivered the property then and there due to this fear.  
  
  
  
\*\*VII. Defenses against Section 390:\*\*  
  
Several defenses can be raised against a charge of robbery:  
  
1. \*\*No theft/extortion:\*\* The accused might argue that the essential elements of theft or extortion were not present.  
2. \*\*No force or threat of immediate force:\*\* The accused might argue that they did not use any force or threat of immediate force.  
3. \*\*Lack of intention:\*\* The accused could argue they had no intention to commit theft or extortion, or that they did not intend to cause fear or harm.  
4. \*\*Consent:\*\* In rare cases, the defense might argue that the victim consented to the taking of property, though this is difficult to establish in cases involving force or threats.  
5. \*\*Claim of right:\*\* The accused might argue they believed they had a legal right to the property.  
6. \*\*Mistaken identity:\*\* The accused might claim they were not the person who committed the robbery.  
7. \*\*Alibi:\*\* The accused might claim they were somewhere else at the time of the robbery.  
  
\*\*VIII. Relevant Case Laws:\*\*  
  
A wealth of case law has shaped the understanding and application of Section 390. These cases provide valuable precedents on issues such as the definition of "instant" fear, the level of force required, and the distinction between robbery and other related offenses. Consulting relevant case law is crucial for accurately applying Section 390 in specific factual scenarios.  
  
\*\*IX. Conclusion:\*\*  
  
Section 390 of the IPC defines the offense of robbery, a serious crime that combines theft or extortion with the use or threat of immediate force. Understanding the ingredients, different forms, related sections, potential defenses, and relevant case law is essential for both the prosecution and the defense in robbery cases. This detailed analysis provides a comprehensive overview of Section 390 and its implications, but seeking professional legal advice is always recommended for specific cases.