# IPC Section 393

## Indian Penal Code Section 393: Attempt to Commit Robbery  
  
Section 393 of the Indian Penal Code (IPC) deals specifically with the attempt to commit robbery. While robbery itself is defined and punished under Sections 390 and 392 respectively, Section 393 addresses the situation where a person tries to commit robbery but fails to complete the offense for various reasons. This analysis will delve into the intricacies of Section 393, exploring its essential elements, the distinction between preparation and attempt, the interplay with other related sections, potential defenses, relevant case laws, and the sentencing aspects.  
  
  
\*\*I. The Text of Section 393:\*\*  
  
“Attempt to commit robbery.—Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.”  
  
  
\*\*II. Essential Elements of Section 393:\*\*  
  
1. \*\*Intention to Commit Robbery:\*\* The bedrock of an attempt to commit any offense, including robbery, is the presence of a clear intention to commit that offense. The prosecution must establish beyond reasonable doubt that the accused had the specific intent to commit robbery, as defined under Section 390. This involves intending to commit theft or extortion and using or threatening to use immediate force to achieve that objective.  
  
2. \*\*Act Beyond Mere Preparation:\*\* The accused must have performed an act that goes beyond mere preparation and signifies a direct movement towards the commission of robbery. This is a crucial distinction in the law of attempt. While harboring the intention to commit robbery is not punishable, taking concrete steps towards its execution, even if unsuccessful, attracts criminal liability.  
  
3. \*\*Failure to Commit Robbery:\*\* The attempt must have been unsuccessful. If the robbery is successfully completed, the appropriate charge would be under Section 392 (Punishment for Robbery), read with Section 390 (Robbery) and any other relevant sections depending on the circumstances, such as Section 394 (Voluntarily causing hurt in committing robbery) or Section 397 (Robbery, or dacoity, with attempt to cause death or grievous hurt).  
  
  
\*\*III. Distinction Between Preparation and Attempt:\*\*  
  
The distinction between preparation and attempt is crucial in determining criminal liability under Section 393. While preparation is not punishable, an attempt is. Determining where preparation ends and attempt begins is often a complex factual and legal question. Various tests have been developed by courts to help distinguish between the two:  
  
\* \*\*Proximity Test:\*\* This test focuses on how close the accused's acts were to the actual commission of the offense. The closer the acts are to the completed crime, the more likely they are to be considered an attempt.  
\* \*\*Locus Poenitentiae Test:\*\* This test considers whether the accused had reached a point of no return, where they had abandoned their power to withdraw from the commission of the offense. If they had passed this point, their actions are more likely to be considered an attempt.  
\* \*\*Equivocality Test:\*\* This test examines whether the accused's actions clearly and unequivocally indicated their intention to commit robbery. If the actions could reasonably be interpreted as innocent or related to some other purpose, they are less likely to be considered an attempt.  
\* \*\*Last Act Test:\*\* This test, less commonly applied now, focuses on whether the accused had performed the last act necessary to commit the offense. This test has been criticized for being too rigid and potentially allowing individuals to escape liability even after taking substantial steps towards committing a crime.  
  
Ultimately, the determination of whether an act constitutes preparation or attempt depends on the specific facts of each case, considering the totality of the circumstances and applying the principles established by case law.  
  
  
\*\*IV. Interplay with Other Related Sections:\*\*  
  
Section 393 operates alongside other sections related to robbery and attempts:  
  
\* \*\*Section 390 (Robbery):\*\* Defines the offense of robbery, which forms the basis for an attempt under Section 393.  
\* \*\*Section 392 (Punishment for robbery):\*\* Prescribes the punishment for completed robbery.  
\* \*\*Section 511 (Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonments):\*\* While Section 393 specifically addresses attempted robbery, Section 511 is a general provision dealing with attempts to commit various offenses. It stipulates that the punishment for attempting to commit an offense punishable with life imprisonment or other imprisonment shall be half of the longest term provided for the completed offense. This provision becomes relevant when the attempted robbery involves circumstances covered by other sections, like Section 397 (Robbery, or dacoity, with attempt to cause death or grievous hurt), where a specific punishment for the attempt is not prescribed.  
  
\*\*V. Potential Defenses against Section 393:\*\*  
  
Several defenses can be raised against a charge of attempted robbery:  
  
1. \*\*Lack of intention to commit robbery:\*\* The accused can argue they had no intention to commit robbery and their actions were misinterpreted.  
2. \*\*Acts constituted mere preparation:\*\* This is a crucial defense. The accused can argue that their actions did not go beyond mere preparation and did not constitute a direct movement towards the commission of robbery. They might claim they were simply planning or thinking about committing robbery but had not taken any concrete steps to execute the plan.  
3. \*\*Impossibility:\*\* In rare cases, the defense might argue that the robbery was impossible to complete due to circumstances beyond the accused's control. For example, if the accused attempted to rob an empty safe, they might argue that the robbery was impossible. However, factual impossibility is generally not a defense if the accused believed it was possible to commit the robbery at the time of the attempt.  
4. \*\*Abandonment:\*\* If the accused voluntarily abandons their attempt before completing the offense, they might have a defense. However, the abandonment must be genuine and not due to external factors like fear of being caught.  
5. \*\*Mistake of fact:\*\* The accused could argue they acted under a genuine and reasonable mistake of fact that negated the criminal intent.  
6. \*\*Alibi:\*\* The accused could claim they were somewhere else at the time of the alleged attempt.  
  
  
\*\*VI. Relevant Case Laws:\*\*  
  
Numerous case laws have shaped the understanding and application of Section 393, particularly in clarifying the distinction between preparation and attempt. These precedents provide valuable guidance on how to apply the various tests mentioned earlier and analyze the specific facts of each case to determine whether the accused's actions crossed the line from preparation to attempt.  
  
  
\*\*VII. Sentencing Considerations:\*\*  
  
Section 393 prescribes a maximum punishment of seven years rigorous imprisonment and a fine for attempted robbery. However, judges have discretion within this limit and consider various factors when determining the appropriate sentence, including:  
  
\* \*\*The nature of the attempted robbery:\*\* The specific actions taken by the accused and how close they came to completing the robbery.  
\* \*\*The degree of threat or force used:\*\* Even in an attempt, the level of violence threatened or used can influence the sentence.  
\* \*\*The vulnerability of the intended victim:\*\* Targeting a vulnerable individual, even in an attempt, can be an aggravating factor.  
\* \*\*The accused's criminal history:\*\* Prior convictions, especially for violent offenses, will be considered.  
\* \*\*Remorse and cooperation:\*\* Expressing remorse and cooperating with the authorities can be mitigating factors.  
  
\*\*VIII. Conclusion:\*\*  
  
Section 393 of the IPC addresses the inchoate offense of attempting to commit robbery. It criminalizes actions that go beyond mere preparation and demonstrate a clear intention and movement towards committing robbery, even if the robbery itself is not completed. Understanding the essential elements, the distinction between preparation and attempt, related sections, potential defenses, relevant case law, and sentencing considerations is crucial for both the prosecution and the defense in cases related to attempted robbery. This detailed analysis provides a comprehensive overview of Section 393 and its practical implications. However, consulting a legal professional is always recommended for specific legal advice related to individual cases and circumstances.