# IPC Section 399

## Section 399 of the Indian Penal Code: Making Preparation to Commit Dacoity  
  
Section 399 of the Indian Penal Code (IPC) deals with the crucial stage of \*preparation\* to commit dacoity. While dacoity itself is a serious offence, the law also recognizes the importance of intervening before the crime is actually committed. This section criminalizes the act of making preparations for dacoity, allowing law enforcement to prevent the execution of such plans and protect potential victims. This proactive approach aims to deter individuals from engaging in dacoity by addressing the preparatory stages.  
  
\*\*Understanding the Elements of Section 399:\*\*  
  
To secure a conviction under Section 399, the prosecution must establish the following elements beyond a reasonable doubt:  
  
1. \*\*Five or More Persons:\*\* This section requires the involvement of five or more individuals. This threshold is consistent with the definition of dacoity itself (Section 391), which distinguishes it from robbery (Section 392).  
  
2. \*\*Assembly for the Purpose of Committing Dacoity:\*\* The individuals must assemble with the shared intention of committing dacoity. This implies a meeting or gathering of the individuals with the specific purpose of planning and preparing for a dacoity. Mere presence in the same location without the shared criminal intent is insufficient. The prosecution must demonstrate a common purpose and agreement among the assembled individuals to commit dacoity.  
  
3. \*\*Making Preparation:\*\* This element signifies going beyond mere agreement or intention and taking concrete steps towards the commission of dacoity. Preparation involves engaging in activities that directly facilitate the intended dacoity. Examples of preparation can include:  
  
 \* \*\*Procuring weapons:\*\* Acquiring firearms, knives, or other instruments that can be used to threaten or injure victims during the dacoity.  
 \* \*\*Collecting materials for disguise:\*\* Gathering masks, clothing, or other items to conceal their identities during the commission of the offence.  
 \* \*\*Conducting reconnaissance:\*\* Surveying the target location to gather information about security measures, escape routes, and the presence of valuable property.  
 \* \*\*Arranging transportation:\*\* Organizing vehicles or other means of transport to reach the target location and escape after committing the dacoity.  
 \* \*\*Assigning roles and responsibilities:\*\* Dividing tasks and responsibilities among the members of the group, such as who will subdue victims, who will collect valuables, and who will act as a lookout.  
 \* \*\*Developing a plan of action:\*\* Formulating a detailed strategy for executing the dacoity, including entry and exit points, methods of subduing victims, and contingency plans.  
  
4. \*\*Intent to Commit Dacoity:\*\* The prosecution must establish that the individuals involved had the specific intention to commit dacoity. This requires demonstrating their shared understanding and agreement to engage in the act of dacoity as defined under Section 391. The intention must be to commit robbery by a group of five or more persons.  
  
\*\*Distinguishing Section 399 from Other Related Sections:\*\*  
  
\* \*\*Section 391 (Dacoity):\*\* Section 391 defines the completed offence of dacoity. Section 399 deals with the \*preparation\* stage before the actual commission of dacoity.  
  
\* \*\*Section 392 (Robbery):\*\* While Section 399 relates to dacoity, Section 392 defines robbery. The key difference is the number of persons involved (five or more for dacoity, one or more for robbery). Preparation to commit robbery, even if by a group, would not fall under Section 399 unless the group consists of five or more persons.  
  
\* \*\*Section 393 (Attempt to Commit Robbery):\*\* Section 393 deals with the \*attempt\* to commit robbery. An attempt is a more advanced stage than preparation, involving acts that are directly proximate to the commission of the offence. Section 399 deals with the earlier stage of preparation.  
  
\* \*\*Section 395 (Punishment for Dacoity):\*\* This section prescribes the punishment for the completed offence of dacoity. Section 399 deals with the preparatory stage and has a separate punishment.  
  
\* \*\*Section 120B (Criminal Conspiracy):\*\* While there can be overlap between Section 399 and Section 120B, Section 399 specifically targets the preparation to commit dacoity. A broader agreement to commit dacoity without concrete preparatory acts might fall under Section 120B but not Section 399. However, if the conspiracy involves preparatory acts for dacoity, both sections could be applicable.  
  
  
\*\*Punishment under Section 399:\*\*  
  
The punishment for making preparation to commit dacoity under Section 399 is imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.  
  
\*\*Evidentiary Considerations:\*\*  
  
Proving an offence under Section 399 requires careful collection and presentation of evidence. This can include:  
  
\* \*\*Surveillance:\*\* Electronic surveillance, such as phone tapping or video recordings, can capture conversations and actions that reveal the intention and preparation for dacoity.  
\* \*\*Witness Testimony:\*\* Testimony from informants or undercover officers who infiltrated the group can provide crucial evidence of the assembly and preparation.  
\* \*\*Recovery of Weapons and Materials:\*\* Recovering weapons, disguises, maps, or other materials intended for use in the dacoity can strengthen the prosecution's case.  
\* \*\*Confessional Statements:\*\* Admissions made by the accused individuals, though these must be carefully scrutinized and corroborated with independent evidence.  
\* \*\*Circumstantial Evidence:\*\* Indirect evidence, such as the accused individuals being found together at an unusual location with suspicious items, can be used to support the prosecution's case.  
  
\*\*Conclusion:\*\*  
  
Section 399 of the IPC plays a vital role in preventing dacoity by criminalizing the preparatory stage. It allows law enforcement agencies to intervene before the crime is committed, protecting potential victims and disrupting criminal plans. The section requires proof of the assembly of five or more persons, the act of making preparations, and the specific intention to commit dacoity. The prescribed punishment reflects the seriousness of this offence and the importance of deterring such criminal activity. Successful prosecution under this section requires meticulous investigation, strong evidence gathering, and compelling legal arguments to establish all elements of the offence beyond a reasonable doubt.