# IPC Section 127: Receiving property taken by war or depredation mentioned in sections 125 and 126.

## IPC Section 127: Receiving Property Taken by War or Depredation  
  
Section 127 of the Indian Penal Code, 1860, addresses the offense of receiving or assisting in concealing property taken by war or depredation. This section complements Sections 125 and 126, which criminalize waging war against any Asiatic power in alliance with the Government of India and committing depredation on the territories of such powers, respectively. Section 127 specifically targets individuals who, though not directly involved in the act of war or depredation, knowingly benefit from the spoils of these illegal activities. It seeks to deter individuals from supporting or profiting from such acts, thereby indirectly discouraging the commission of the primary offenses.  
  
\*\*The Text of Section 127:\*\*  
  
> "Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 125 and 126, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the property consists of arms or munitions of war, he shall be punished with imprisonment for life or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."  
  
\*\*Dissecting the Elements of the Offense:\*\*  
  
1. \*\*"Whoever receives any property…"\*\*: This indicates that the offense involves the physical possession or control of the property, obtained through any means, including purchase, gift, or finding. Mere knowledge of the existence of such property without actual receipt doesn't constitute the offense. The “receiving” must be voluntary and conscious. Accidental or unintentional possession wouldn't qualify. The term "property" encompasses any tangible item of value, movable or immovable, including money, goods, documents, and livestock.  
  
2. \*\*“…knowing the same to have been taken in the commission of any of the offences mentioned in sections 125 and 126…”\*\*: This is the \*mens rea\* or the mental element of the offense. The prosecution needs to prove beyond reasonable doubt that the accused was aware that the property they received was obtained through waging war or committing depredation as defined under Sections 125 and 126. Mere suspicion or negligence isn’t sufficient. The knowledge must be actual and relate directly to the illegal origin of the property. The prosecution can establish this knowledge through circumstantial evidence, such as the accused's association with individuals involved in the primary offenses, the significantly low price paid for the property, or attempts to conceal the property’s origin. The knowledge must exist at the time of receiving the property. Acquiring knowledge after the fact does not constitute the offense under this section.  
  
3. \*\*“… offences mentioned in sections 125 and 126…”\*\*: This explicitly links Section 127 to the preceding sections dealing with waging war and committing depredation. Section 125 pertains to waging war, or attempting to wage war, or abetting waging war, against any Asiatic power in alliance with the Government of India. Section 126 covers depredation, which involves any act of plunder or destruction committed on the territory of any power at peace with the Government of India. Thus, the property received must be directly linked to these specific offenses.  
  
\*\*Punishment:\*\*  
  
The punishment for this offense is graded based on the nature of the received property:  
  
\* \*\*General Property:\*\* If the received property is anything other than arms or munitions of war, the punishment is imprisonment for up to seven years and a fine. The imprisonment can be of either description, meaning it can be rigorous imprisonment (involving hard labor) or simple imprisonment. The court has discretion in determining the specific duration of imprisonment and the amount of the fine, based on the facts and circumstances of the case.  
  
\* \*\*Arms and Munitions of War:\*\* If the received property consists of arms or munitions of war, the offense carries a significantly harsher penalty: life imprisonment or imprisonment for up to ten years and a fine. The inclusion of this enhanced punishment underscores the gravity of receiving such items, recognizing their potential to fuel further conflict and endanger public safety.  
  
\*\*Illustrative Examples:\*\*  
  
\* A group wages war against a neighboring kingdom allied with India and loots its treasury. A trader, knowing the gold originated from this unlawful act, purchases it at a discounted price. The trader would be liable under Section 127.  
  
\* Individuals commit depredation in a foreign territory, stealing livestock. Someone knowingly buys this stolen livestock, aware of its origin. This individual would be punishable under Section 127.  
  
\* A person discovers abandoned weapons left behind after a cross-border raid, knowing they were used in an act of war against an allied power. Instead of reporting it to the authorities, they keep the weapons. This would constitute an offense under Section 127.  
  
\*\*Relationship with Other Offenses:\*\*  
  
While Section 127 deals with receiving stolen property related to specific offenses (waging war and depredation), it’s important to differentiate it from the general offense of receiving stolen property covered under Section 411 of the IPC. Section 411 applies to any stolen property, regardless of how it was acquired. If the stolen property isn't linked to offenses under Sections 125 and 126, Section 411 would be the relevant provision.  
  
\*\*Conclusion:\*\*  
  
Section 127 of the IPC plays a crucial role in maintaining peace and security by criminalizing the act of knowingly receiving property obtained through war or depredation against powers allied with India. By punishing those who profit from such acts, the law aims to discourage individuals from supporting or facilitating these serious offenses, thereby indirectly contributing to regional stability. The graded punishment, based on the nature of the received property, reflects the seriousness with which the law views the handling of spoils of war and depredation, particularly arms and munitions, which have the potential to exacerbate conflict and pose a threat to public safety.