# IPC Section 213: Taking gift, etc., to screen an offender from punishment.— if a capital offence; if punishable with imprisonment for life, or with imprisonment.

## IPC Section 213: Taking Gift, etc., to Screen an Offender from Punishment - A Detailed Analysis  
  
Section 213 of the Indian Penal Code (IPC) addresses the act of accepting a bribe or reward in exchange for protecting an offender from punishment. This section complements Section 212 (harboring offenders) by targeting the corrupt practice of shielding criminals from the consequences of their actions in exchange for personal gain. It recognizes that such corruption undermines the integrity of the justice system and allows offenders to evade accountability. Similar to Section 212, the severity of the offense under Section 213 is graded based on the gravity of the crime committed by the offender being shielded.  
  
\*\*The precise wording of Section 213 is as follows:\*\*  
  
"Whoever accepts or attempts to accept any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall be punished as follows:  
  
\* \*\*If the offence is punishable with death:\*\* Shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.  
  
\* \*\*If the offence is punishable with imprisonment for life, or with imprisonment for ten years:\*\* Shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.  
  
\* \*\*In any other case:\*\* Shall be punished with imprisonment of either description for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both."  
  
  
\*\*Breaking down the elements of the offense:\*\*  
  
1. \*\*Accepts or Attempts to Accept Any Gratification:\*\* This refers to receiving or attempting to receive any form of bribe, reward, or inducement. This can include money, property, favors, or any other benefit of value. The attempt to accept gratification is also criminalized, even if the bribe is not ultimately received.  
  
2. \*\*For Himself or Any Other Person:\*\* The gratification can be for the benefit of the person accepting the bribe or for any other person designated by them.  
  
3. \*\*Any Restitution of Property to Himself or Any Other Person:\*\* This includes accepting the return of stolen property or other assets as a form of bribe to shield the offender.  
  
4. \*\*In Consideration of:\*\* The acceptance of the gratification must be directly linked to the act of protecting the offender from punishment. This establishes the \*quid pro quo\* nature of the offense.  
  
5. \*\*Concealing an Offence:\*\* This refers to actively hiding or suppressing information about the crime to prevent its discovery or investigation.  
  
6. \*\*Screening Any Person from Legal Punishment:\*\* This includes any action taken to protect the offender from arrest, prosecution, or conviction.  
  
7. \*\*Not Proceeding Against Any Person:\*\* This refers to refraining from taking legal action against an offender in exchange for a bribe. This is particularly relevant for law enforcement officials or others with a duty to report and prosecute crimes.  
  
8. \*\*Grading of Offenses:\*\* The punishment for this offense is linked to the severity of the crime committed by the shielded offender:  
  
 \* \*\*Death Penalty Offenses:\*\* Imprisonment up to seven years and a fine.  
 \* \*\*Life Imprisonment/10+ Years Imprisonment Offenses:\*\* Imprisonment up to three years and a fine.  
 \* \*\*Other Imprisonable Offenses:\*\* Imprisonment up to one-fourth of the longest term prescribed for the original offense, or with fine, or with both.  
  
  
\*\*Illustrative Examples:\*\*  
  
\* A police officer accepts a bribe to not arrest a suspect wanted for murder.  
\* A witness accepts money to change their testimony and protect a defendant charged with a serious crime.  
\* A public official accepts a valuable gift in exchange for suppressing evidence related to a corruption case involving a prominent individual.  
  
  
\*\*Distinguishing Section 213 from related offenses:\*\*  
  
\* \*\*Section 212 (Harbouring offenders):\*\* Section 212 focuses on the act of providing shelter or concealment to an offender, while Section 213 deals with accepting a bribe to protect them from punishment. These are distinct offenses but can be committed together.  
  
\* \*\*Bribery (Sections 161-171):\*\* Accepting a bribe to shield an offender from punishment can also fall under the general provisions related to bribery, particularly if it involves a public servant. Section 213 provides a specific provision for this type of corrupt conduct.  
  
\* \*\*Compounding offenses (Section 214):\*\* This section deals with accepting consideration for not reporting an offense. While related, Section 213 is broader and includes screening an offender from punishment even if the offense has already been reported.  
  
  
  
\*\*Punishment:\*\*  
  
  
As detailed above, the punishment under Section 213 varies depending on the gravity of the crime committed by the shielded offender, ranging from a maximum of three months imprisonment and/or fine for less serious offenses to seven years imprisonment and fine for shielding someone who committed an offense punishable by death.  
  
  
\*\*Significance of Section 213:\*\*  
  
Section 213 is crucial for upholding the integrity of the justice system and preventing corruption. It deters individuals from shielding criminals from accountability in exchange for personal gain. By criminalizing such corrupt conduct, the section reinforces public trust in the legal system and ensures that offenders are brought to justice. The graded punishment system reflects the varying degrees of culpability depending on the severity of the shielded offense, promoting a more just and proportionate application of the law. Section 213 contributes to a fairer and more effective criminal justice system by preventing the manipulation of legal processes through bribery and corruption.