# IPC Section 223: Escape from confinement or custody negligently suffered by public servant.

Section 223 of the Indian Penal Code (IPC) deals with the negligent conduct of a public servant that results in the escape from confinement or custody of a person under their charge. Unlike Section 222, which focuses on \*intentional\* omission, Section 223 specifically addresses escapes occurring due to the \*negligence\* of the public servant. This section acknowledges that while deliberate acts leading to escapes are serious offenses, negligence on the part of public servants can be equally detrimental to the administration of justice and must be addressed.  
  
\*\*Detailed Explanation of Section 223:\*\*  
  
To fully understand the scope and application of Section 223, we need to break down its key components:  
  
\* \*\*"Escape":\*\* This refers to the act of unlawfully freeing oneself from confinement or custody. It implies the individual successfully removes themselves from the control and supervision of the public servant responsible for their detention. The escape need not involve physical barriers; it can also involve evading surveillance or exploiting lax security measures.  
  
\* \*\*"From confinement or custody":\*\* This phrase encompasses both situations where a person is physically confined, such as in a prison or lock-up, and situations where they are under the custody and control of a public servant, even if not physically restrained. For instance, a person being escorted to court is considered to be in custody.  
  
\* \*\*"Negligently suffered":\*\* This is the core element of Section 223. "Suffered" in this context means "permitted" or "allowed." "Negligently" implies a lack of due care and attention, a failure to exercise the reasonable caution and prudence that a public servant in a similar situation would be expected to exercise. It doesn't require the prosecution to prove intent, but rather a demonstrable lack of reasonable care that facilitated the escape. The negligence must be the proximate cause of the escape.  
  
\* \*\*"By public servant":\*\* As in Section 222, this refers to individuals defined as public servants under Section 21 of the IPC. This includes police officers, prison guards, court officials, and anyone legally authorized to maintain custody or confinement of individuals. The responsibility for preventing escape falls upon the public servant entrusted with the individual's custody.  
  
  
\*\*Punishment Under Section 223:\*\*  
  
The punishment for an offense under Section 223 varies based on the nature of the escaped person's original offense:  
  
\* \*\*If the confined person was charged with or convicted of an offense punishable with death:\*\* The public servant can 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 confined person was charged with or convicted of an offense punishable with imprisonment for life:\*\* The public servant can be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.  
  
\* \*\*If the confined person was charged with or convicted of an offense punishable with imprisonment for a term less than life:\*\* The public servant can be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.  
  
The graded punishment reflects the seriousness of the escape based on the potential threat the escaped individual poses to society.  
  
  
\*\*Distinction from Related Sections:\*\*  
  
It's important to distinguish Section 223 from related sections concerning escapes and custodial responsibilities:  
  
\* \*\*Section 221 (Intentional omission to confine or keep safely a person charged with or convicted of an offence):\*\* This section focuses on the intentional failure to confine or maintain safe custody, not the negligent allowance of escape.  
  
\* \*\*Section 222 (Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed):\*\* This section deals with the intentional failure to apprehend, while Section 223 deals with negligent allowance of escape from existing confinement.  
  
\* \*\*Section 224 (Resistance or obstruction by a person to his lawful apprehension):\*\* This section deals with actions taken by the person being apprehended, not the actions of the public servant.  
  
\* \*\*Section 225 (Resistance or obstruction to lawful apprehension of another person):\*\* Similar to Section 224, this focuses on the actions of someone interfering with an apprehension, not the negligence of the public servant.  
  
  
\*\*Illustrative Examples:\*\*  
  
\* A jailer forgets to lock a cell door properly, allowing a prisoner to escape.  
\* A police officer, while transporting a detainee, fails to properly secure the handcuffs, enabling the detainee to escape.  
\* A security guard at a courthouse is distracted and fails to notice a detainee slipping away unnoticed.  
  
  
\*\*Burden of Proof:\*\*  
  
The burden of proving negligence lies with the prosecution. They must demonstrate that the public servant's actions fell below the expected standard of care and that this negligence directly contributed to the escape. Mere occurrence of an escape is not sufficient; a causal link between the negligence and the escape must be established.  
  
  
\*\*Conclusion:\*\*  
  
Section 223 of the IPC plays a vital role in ensuring accountability within the criminal justice system. It recognizes that negligence on the part of public servants can have serious consequences, potentially jeopardizing public safety and undermining the rule of law. By holding public servants responsible for escapes resulting from their negligence, Section 223 promotes diligence and careful execution of duties related to the confinement and custody of individuals involved in legal proceedings. It reinforces the importance of maintaining secure custody and underscores that escapes, even those resulting from negligence, have legal ramifications for the responsible public servants.