# IPC Section 307: Attempt to murder. Attempts by life-convicts.

## IPC Section 307: Attempt to Murder  
  
Section 307 of the Indian Penal Code deals with the grave offense of attempting to murder. It recognizes that even if a murder attempt is unsuccessful, the intent and actions of the accused pose a significant threat to human life and warrant serious punishment. The section also includes a specific provision for life convicts who attempt to murder, reflecting the heightened danger they pose.  
  
\*\*The Text of Section 307:\*\*  
  
"Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be punished with imprisonment of either description for a term which may extend to life, and shall also be liable to fine.  
  
Attempt by life-convicts.—When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death."  
  
\*\*Breaking Down the Elements of Section 307:\*\*  
  
1. \*\*Intention or Knowledge:\*\* The foundation of an attempt to murder charge is the accused's \*mens rea\* – their guilty mind. The prosecution must prove either:  
  
 \* \*\*Intention to cause death:\*\* This means the accused acted with the specific purpose of causing the victim's death.  
  
 \* \*\*Knowledge that the act is so imminently dangerous that it must, in all probability, cause death:\*\* This signifies that even if the accused didn't specifically intend to kill, they were aware that their actions were so dangerous that death was a highly probable outcome.  
  
  
2. \*\*Act Towards Commission of Murder:\*\* The accused must have performed an act that went beyond mere preparation and moved towards the actual commission of murder. This requires more than just possessing a weapon or expressing a desire to kill. The act must be sufficiently proximate to the intended crime. The test used is the “proximity test”, meaning the act must be close enough to the intended outcome of death to constitute an attempt.  
  
  
3. \*\*Circumstances Constituting Murder:\*\* The act, had it resulted in death, must have fallen within the definition of murder as outlined in Section 300 of the IPC. This includes:  
  
 \* \*\*Intention to cause death.\*\*  
 \* \*\*Intention to cause such bodily injury as the offender knows is likely to cause death.\*\*  
 \* \*\*Intention to cause bodily injury as is sufficient in the ordinary course of nature to cause death.\*\*  
 \* \*\*Knowledge that the act is so imminently dangerous that it must, in all probability, cause death.\*\*  
  
  
  
4. \*\*No Actual Death:\*\* It's crucial to understand that Section 307 deals with \*attempts\* to murder. If the victim dies, the offense becomes murder under Section 300.  
  
  
  
5. \*\*Hurt Caused:\*\* The section differentiates the punishment based on whether the attempted murder resulted in any hurt to the victim:  
  
 \* \*\*If no hurt is caused:\*\* The punishment is imprisonment up to 10 years and a fine.  
  
 \* \*\*If hurt is caused:\*\* The punishment is imprisonment up to life and a fine.  
  
  
  
6. \*\*Attempt by Life Convicts:\*\* This provision deals specifically with individuals already serving a life sentence who attempt to murder:  
  
 \* \*\*If hurt is caused:\*\* The punishment can be death. This reflects the graver threat posed by individuals already convicted of a serious crime and the need to deter further violence within the prison system or outside during parole.  
  
  
  
\*\*Important Judicial Pronouncements:\*\*  
  
\* \*\*Beyond Preparation:\*\* Courts have consistently emphasized the need to distinguish between preparation and attempt. Mere preparation, however elaborate, does not constitute an attempt. The act must be sufficiently proximate to the intended murder.  
  
\* \*\*Proximity Test:\*\* The "proximity test" is used to determine whether an act constitutes an attempt. The act must be so close to the intended outcome of death that it can be considered a part of the execution of the murderous plan.  
  
\* \*\*Intention/Knowledge is Key:\*\* The prosecution must prove beyond a reasonable doubt the accused's intention to cause death or their knowledge that their act was imminently dangerous and likely to cause death.  
  
\* \*\*Evidence of Intention/Knowledge:\*\* Intention/Knowledge can be inferred from the nature of the act, the weapon used, the part of the body targeted, and the surrounding circumstances.  
  
  
\*\*Distinguishing Attempt to Murder from Other Offenses:\*\*  
  
It's essential to differentiate attempt to murder from other offenses such as:  
  
\* \*\*Grievous Hurt (Sections 320-326):\*\* The key distinction lies in the \*intention\* of the accused. In grievous hurt, the intention is to cause specific injuries, while in attempted murder, the intention is to cause death.  
  
\* \*\*Culpable Homicide Not Amounting to Murder (Sections 299-304):\*\* The primary difference lies in the degree of intention or knowledge. In culpable homicide, the intention/knowledge falls short of the requirements for murder.  
  
  
\*\*Conclusion:\*\*  
  
Section 307 of the IPC serves as a critical deterrent against attempts to take human life. It recognizes the gravity of such attempts, even if they are unsuccessful, and punishes them severely. The specific provision for life convicts emphasizes the heightened risk they represent and the need for stringent measures to protect potential victims. The judicial interpretation of this section has focused on establishing clear guidelines for differentiating attempts from mere preparation and emphasizing the importance of proving the accused's \*mens rea\* beyond a reasonable doubt.