# IPC Section 350: Criminal force.

## Section 350 of the Indian Penal Code: Criminal Force  
  
Section 350 of the Indian Penal Code (IPC) defines "criminal force," a crucial concept that forms the basis of several offences against the person. Building upon the definition of "force" in Section 349, this section specifies the circumstances under which the use of force becomes a criminal offence. Understanding the elements of criminal force is essential for interpreting and applying various sections of the IPC that deal with offences like assault, hurt, kidnapping, and rape.  
  
  
\*\*The Text of Section 350:\*\*  
  
"Whoever intentionally uses force to any person, without that person’s consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use “criminal force” to that other."  
  
  
  
\*\*Breaking Down the Section:\*\*  
  
1. \*\*Intentional Use of Force:\*\* The foundation of criminal force is the intentional use of force as defined in Section 349. This means the accused must have deliberately caused motion, change of motion, or cessation of motion to another person or to a substance that comes into contact with another person, their clothing, or anything attached to them. Accidental or negligent application of force does not constitute criminal force.  
  
2. \*\*Without Consent:\*\* The force must be used without the consent of the person to whom it is applied. Consent obtained through fraud, coercion, or from someone incapable of giving consent (like a minor or someone with diminished mental capacity) is not a valid defence. Participation in contact sports or other activities involving consensual physical contact does not typically constitute criminal force.  
  
3. \*\*Unlawful Purpose (First Clause):\*\* The first clause describes the use of force "in order to the committing of any offence." This means the force must be used as a means to commit a separate, distinct offence. Examples include:  
  
 \* Using force to restrain someone while committing theft.  
 \* Using force to overcome resistance during a robbery.  
 \* Using force to abduct someone for ransom.  
  
4. \*\*Intention to Cause or Knowledge of Likelihood of Causing Injury, Fear, or Annoyance (Second Clause):\*\* The second clause expands the definition of criminal force to include situations where the force is not necessarily used to commit another offence but is used with the:  
  
 \* \*\*Intention\*\* to cause injury, fear, or annoyance to the person.  
 \* \*\*Knowledge\*\* that such force is likely to cause injury, fear, or annoyance.  
  
 Examples include:  
  
 \* Slapping someone in anger.  
 \* Pushing someone to intimidate them.  
 \* Spraying someone with water to annoy them.  
  
  
\*\*Key Aspects of Criminal Force:\*\*  
  
\* \*\*Mens Rea is Crucial:\*\* The intentional use of force is a critical element. The accused must have deliberately applied force or acted with the knowledge that their actions would result in the application of force.  
\* \*\*Lack of Consent is Essential:\*\* Consent negates the criminality of the force. However, the consent must be free, voluntary, and informed.  
\* \*\*Degree of Force is Irrelevant:\*\* The amount of force used is not the determining factor for establishing criminal force. Even slight force, if used intentionally and without consent, can be criminal. The degree of force becomes relevant when determining the specific offence committed, such as simple hurt or grievous hurt.  
\* \*\*No Actual Harm Required:\*\* Criminal force can be established even if no actual injury, fear, or annoyance is caused. The intention or knowledge of the likelihood of causing these effects is sufficient.  
  
  
\*\*Examples of Criminal Force:\*\*  
  
\* \*\*To Commit an Offence:\*\* Grabbing someone's bag and running away (theft), pushing someone to the ground during a robbery, restraining someone while committing assault.  
\* \*\*Intending to Cause Injury, Fear, or Annoyance:\*\* Slapping someone, punching someone, pushing someone out of anger, brandishing a weapon to intimidate someone.  
\* \*\*Knowing it is Likely to Cause Injury, Fear, or Annoyance:\*\* Throwing a stone at someone (even if it misses), chasing someone menacingly, loudly banging on someone's door late at night.  
  
  
  
\*\*Distinction from Assault:\*\*  
  
While assault (Section 351) requires criminal force, it also necessitates the additional element of causing apprehension of immediate unlawful personal violence. Criminal force can be used without necessarily causing such apprehension. For example, secretly poisoning someone's food involves criminal force but not assault, as there is no immediate apprehension of violence. Conversely, making threatening gestures that cause immediate fear of violence constitutes assault even without the application of actual physical force.  
  
  
\*\*Distinction from Force (Section 349):\*\*  
  
Section 349 defines "force" broadly, encompassing both lawful and unlawful applications of force. Section 350 specifies when the use of force becomes "criminal" by adding the elements of intention, lack of consent, and unlawful purpose or the intent/knowledge of causing injury, fear, or annoyance. All instances of criminal force involve force, but not all instances of force are criminal.  
  
  
\*\*Conclusion:\*\*  
  
Section 350 of the IPC provides a clear definition of criminal force, outlining the circumstances under which the use of force becomes a punishable offence. The section emphasizes the importance of intention, lack of consent, and the presence of an unlawful purpose or the intent/knowledge to cause harm. Understanding this definition is fundamental for interpreting and applying various sections of the IPC that deal with offences against the person, ensuring that the law adequately addresses different forms of unlawful force and protects individual safety and liberty.