# IPC Section 353: Assault or criminal force to deter public servant from discharge of his duty.

## IPC Section 353: Assault or Criminal Force to Deter Public Servant from Discharge of His Duty  
  
Section 353 of the Indian Penal Code (IPC) addresses the specific offense of using assault or criminal force against a public servant to deter them from performing their lawful duties. This provision recognizes the crucial role public servants play in maintaining order and administering justice, and consequently provides enhanced protection for them against obstruction or interference in their official functions.  
  
\*\*1. Core Components of Section 353:\*\*  
  
To understand Section 353 comprehensively, one must dissect its key components:  
  
\* \*\*Assault or Criminal Force:\*\* These terms carry the same definitions as provided under Sections 351 and 350 of the IPC, respectively. As explained earlier, assault involves a gesture or preparation causing apprehension of immediate criminal force, while criminal force involves the intentional use of force without consent. Even a slight touch can constitute criminal force if done intentionally and without consent.  
  
\* \*\*Public Servant:\*\* The definition of “public servant” is crucial for the application of Section 353. Section 21 of the IPC provides a broad definition encompassing various government officials, including judges, police officers, revenue officers, members of the armed forces, and any person entrusted with public duties. The crucial aspect is the individual's capacity as a public servant at the time of the offense, rather than their formal designation.  
  
\* \*\*Discharge of Duty:\*\* The assault or criminal force must be directed towards preventing the public servant from performing their lawful duties. The duty must be one that the public servant is legally obligated or authorized to perform. It's essential that the public servant is acting within the scope of their authority.  
  
\* \*\*Intention to Deter:\*\* The perpetrator must intend to deter or obstruct the public servant from carrying out their duty. The prosecution needs to establish that the assault or criminal force was employed with the specific objective of preventing the public servant from fulfilling their obligations. Accidental interference, even if it involves force, would not fall under Section 353.  
  
\*\*2. Nature of the Offense:\*\*  
  
Section 353 criminalizes both assault and the use of criminal force against a public servant. This means that even if no physical contact is made but the public servant apprehends the use of criminal force, the offense can still be established.  
  
\*\*3. Essential Ingredients for Establishing the Offence:\*\*  
  
To secure a conviction under Section 353, the prosecution must prove the following elements beyond a reasonable doubt:  
  
\* The accused used assault or criminal force against the victim.  
\* The victim was a public servant.  
\* The victim was acting in the discharge of their official duty.  
\* The accused intended to deter or obstruct the victim from discharging their duty.  
  
  
\*\*4. Punishment under Section 353:\*\*  
  
Section 353 prescribes a graded punishment structure depending on the severity of the assault or criminal force:  
  
\* \*\*Simple Assault/Criminal Force:\*\* Imprisonment for up to two years, a fine, or both.  
\* \*\*Assault/Criminal Force with a Weapon:\*\* Imprisonment for up to two years, a fine, or both. However, judicial interpretations have clarified that the weapon need not be used to inflict injury; its mere presence during the commission of the offense attracts this enhanced punishment.  
\* \*\*Grievous Hurt Caused to Deter Public Servant:\*\* This attracts the most severe punishment – imprisonment which may extend to seven years and a fine. Grievous hurt is defined under Section 320 of the IPC.  
  
\*\*5. Cognizable and Non-Bailable Offence:\*\*  
  
Section 353 defines a cognizable and non-bailable offense. This means that the police can arrest the accused without a warrant, and the accused is not automatically entitled to bail. The grant of bail is at the discretion of the court, considering the facts and circumstances of the case.  
  
\*\*6. Non-Compoundable Offence:\*\*  
  
Unlike Section 352, Section 353 defines a non-compoundable offense. This implies that the parties involved cannot privately settle the matter. The case must proceed through the judicial process, and the court decides the outcome. This reflects the seriousness with which the law views interference with the functioning of public servants.  
  
  
\*\*7. Distinction from Other Offenses:\*\*  
  
Section 353 should be distinguished from other related offenses, such as:  
  
\* \*\*Section 186 (Obstructing public servant in discharge of public functions):\*\* This section covers a broader range of obstructive conduct, including verbal interference, while Section 353 specifically deals with assault or criminal force.  
\* \*\*Sections 323/325 (Voluntarily causing hurt/grievous hurt):\*\* If the assault or criminal force results in hurt or grievous hurt, these sections may also be applied in addition to Section 353.  
  
  
\*\*8. Importance of Section 353:\*\*  
  
Section 353 is crucial for maintaining law and order and ensuring the smooth functioning of the government. It acts as a deterrent against obstructing public servants in the performance of their duties, which are essential for the welfare of society. The protection afforded to public servants under this provision empowers them to carry out their responsibilities without fear of intimidation or violence.  
  
  
In conclusion, Section 353 of the IPC plays a vital role in safeguarding the integrity of public administration. By criminalizing assault or criminal force used to deter public servants from performing their duties, it upholds the rule of law and protects those who serve the public interest. The stringent nature of the offense, including the provisions for arrest, bail, and punishment, underscores the importance of respecting the authority and functions of public servants.