# IPC Section 356: Assault or criminal force in attempt to commit theft of property carried by a person.

## IPC Section 356: Assault or Criminal Force in Attempt to Commit Theft of Property Carried by a Person  
  
Section 356 of the Indian Penal Code (IPC) addresses the specific offense of using assault or criminal force during an attempt to commit theft of property carried by a person. This provision recognizes the increased danger and potential for harm when theft is combined with physical aggression or the threat thereof.  
  
\*\*1. Understanding the Components:\*\*  
  
\* \*\*Assault or Criminal Force:\*\* These terms carry the same meanings as defined under Sections 351 and 350 of the IPC, respectively. Assault involves a gesture or preparation causing apprehension of immediate unlawful force, while criminal force involves the intentional use of force without consent.  
  
\* \*\*Attempt to Commit Theft:\*\* Section 356 requires that the assault or criminal force be used during an \*attempt\* to commit theft. This means that the theft itself need not be successful for the section to apply. An attempt is made when the perpetrator takes steps towards committing the theft, going beyond mere preparation, but the theft is ultimately prevented or unsuccessful for some reason. Section 511 of the IPC deals with punishment for attempting to commit offenses punishable with imprisonment for life or other imprisonment.  
  
\* \*\*Property Carried by a Person:\*\* The property targeted for theft must be carried by a person. This can include items held in their hands, worn on their body, or carried in a bag or other container. The property doesn't necessarily have to be in the victim's immediate physical possession; it suffices if it's under their control and being carried by them.  
  
\*\*2. Essential Ingredients for Establishing the Offence:\*\*  
  
The prosecution must establish the following elements beyond reasonable doubt:  
  
\* The accused used assault or criminal force.  
\* The assault or criminal force was used during an attempt to commit theft.  
\* The target of the theft was property carried by a person.  
  
  
\*\*3. Punishment under Section 356:\*\*  
  
Section 356 prescribes a punishment of imprisonment for up to two years, with fine, or with both. This punishment is more severe than the punishment for simple theft (Section 379) or simple assault (Section 352), reflecting the enhanced risk posed by the combination of theft and physical aggression.  
  
\*\*4. Nature of the Offence:\*\*  
  
The offense under Section 356 is:  
  
\* \*\*Cognizable:\*\* The police can arrest the accused without a warrant.  
\* \*\*Bailable:\*\* The accused is entitled to be released on bail, although the grant of bail is at the discretion of the court.  
\* \*\*Non-Compoundable:\*\* The parties cannot privately settle the matter. The case must proceed through the judicial process and be decided by the court. This reflects the seriousness with which the law views the use of force during theft.  
  
  
\*\*5. Significance of Section 356:\*\*  
  
Section 356 provides specific protection against the combined threat of theft and physical violence. It recognizes that when theft involves the use of force or the threat of force, it poses a greater risk to the victim's safety and well-being. The enhanced punishment serves as a deterrent against such behavior and emphasizes the importance of protecting individuals from this specific form of crime.  
  
\*\*6. Distinction from Other Offenses:\*\*  
  
Section 356 should be distinguished from related provisions:  
  
\* \*\*Section 379 (Theft):\*\* Simple theft does not involve the use of force. Section 356 applies specifically when assault or criminal force is used during an attempt to commit theft.  
\* \*\*Section 392 (Robbery):\*\* Robbery involves theft accompanied by hurt or wrongful restraint, or fear of instant hurt or wrongful restraint. Section 356 applies even if the attempt to commit theft does not involve hurt or wrongful restraint, as long as assault or criminal force is used.  
\* \*\*Section 352 (Assault or criminal force otherwise than on grave provocation):\*\* This section deals with general instances of assault or criminal force, while Section 356 applies specifically when the assault or criminal force is used in an attempt to commit theft of property carried by a person.  
\* \*\*Section 390 (Robbery when theft is committed after preparation made for causing death, hurt or wrongful restraint):\*\* This section involves more serious forms of robbery where preparation is made for causing death, hurt or wrongful restraint. Section 356 applies even if no such preparation is made, as long as assault or criminal force is used during the attempt to commit theft.  
  
\*\*7. Challenges in Implementation:\*\*  
  
Establishing the intent to commit theft can be challenging in some cases, especially if the theft is not successful. The prosecution needs to rely on circumstantial evidence and the accused's actions to prove that they were attempting to commit theft.  
  
  
\*\*8. Conclusion:\*\*  
  
Section 356 of the IPC plays a crucial role in protecting individuals from the combined threat of theft and physical aggression. By specifically addressing this type of offense and prescribing a more severe punishment, it aims to deter criminals from using force during theft and safeguard the safety and security of individuals carrying their property. Understanding the nuances of this provision is essential for law enforcement, judicial officers, and anyone seeking to understand the legal framework related to theft and the use of force.  
  
This detailed explanation is for informational purposes only and should not be construed as legal advice. Consulting with a legal professional is essential for any legal matters related to this section.