# IPC Section 357: Assault or criminal force in attempt wrongfully to confine a person.

## IPC Section 357: Assault or Criminal Force in Attempt Wrongfully to Confine a Person  
  
Section 357 of the Indian Penal Code (IPC) addresses the offense of using assault or criminal force while attempting to wrongfully confine a person. This provision recognizes the infringement on personal liberty inherent in wrongful confinement and the added threat posed when such attempts involve physical aggression or the threat thereof.  
  
\*\*1. Breaking Down the Components:\*\*  
  
\* \*\*Assault or Criminal Force:\*\* These terms retain their established meanings 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 Wrongfully Confine:\*\* This signifies that the assault or criminal force must be used during an \*attempt\* to wrongfully confine someone. The confinement itself need not be successful for the section to apply. An attempt occurs when the perpetrator takes steps beyond mere preparation to confine the person, but the confinement 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. It's important to distinguish between lawful confinement (e.g., lawful arrest) and wrongful confinement.  
  
\* \*\*Wrongful Confinement:\*\* Section 340 of the IPC defines wrongful confinement as keeping a person in confinement without their consent and against their will. The confinement must be complete, meaning the person's freedom of movement is entirely restricted in all directions. The duration of the confinement is irrelevant; even a brief period of wrongful confinement constitutes an offense.  
  
\*\*2. Essential Ingredients for Establishing the Offence:\*\*  
  
To secure a conviction under Section 357, the prosecution must prove the following beyond a reasonable doubt:  
  
\* The accused used assault or criminal force.  
\* The assault or criminal force was used during an attempt to wrongfully confine a person.  
\* The confinement intended by the accused was wrongful, meaning it was without the person's consent and against their will.  
  
  
\*\*3. Punishment under Section 357:\*\*  
  
Section 357 prescribes the same punishment as that for wrongful confinement under Section 342 of the IPC. The punishment can be:  
  
\* \*\*Simple Wrongful Confinement:\*\* Imprisonment for up to one year, or with fine, or with both.  
\* \*\*Wrongful Confinement for Three or More Days:\*\* Imprisonment for up to two years, or with fine, or with both.  
\* \*\*Wrongful Confinement for Ten or More Days:\*\* Imprisonment for up to three years, and with fine.  
  
  
The fact that Section 357 carries the same penalties as wrongful confinement, even though the confinement is not successful, reflects the seriousness with which the law views the use of force in attempts to restrict personal liberty.  
  
  
\*\*4. Nature of the Offence:\*\*  
  
The offense under Section 357 is:  
  
\* \*\*Cognizable:\*\* The police can arrest the accused without a warrant.  
\* \*\*Bailable:\*\* The offense is generally bailable. However, the grant of bail remains 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 emphasizes the importance of protecting individual liberty and the public interest in prosecuting such offenses.  
  
  
\*\*5. Significance of Section 357:\*\*  
  
Section 357 provides specific protection against attempts to wrongfully confine a person using force or the threat of force. It recognizes that such attempts, even if unsuccessful, represent a serious infringement on personal liberty and can cause significant fear and distress to the victim. The alignment of the punishment with that for wrongful confinement underscores the gravity of the offense and the importance of deterring such behavior.  
  
  
\*\*6. Distinction from Other Offenses:\*\*  
  
Section 357 needs to be distinguished from related provisions:  
  
\* \*\*Section 340 (Wrongful Confinement):\*\* This section applies when the wrongful confinement is successful. Section 357 covers attempts to wrongfully confine using assault or criminal force, even if the confinement is not achieved.  
\* \*\*Section 342 (Punishment for wrongful confinement):\*\* This section prescribes the punishment for wrongful confinement, which is also the punishment for the attempt under Section 357.  
\* \*\*Section 352 (Assault or criminal force otherwise than on grave provocation):\*\* This section deals with general instances of assault or criminal force, while Section 357 applies specifically when the assault or criminal force is used in an attempt to wrongfully confine someone.  
\* \*\*Section 358 (Assault or criminal force on grave provocation):\*\* This section deals with assault or criminal force committed under grave provocation. If the attempt to wrongfully confine is made under grave provocation, Section 358 might apply instead of Section 357.  
  
  
\*\*7. Challenges in Implementation:\*\*  
  
Proving the intent to wrongfully confine can be challenging, particularly when the confinement is not successful. The prosecution needs to rely on circumstantial evidence and the accused's actions to establish their intent. Distinguishing between lawful restraint and wrongful confinement can also be complex in certain situations and requires careful consideration of the specific facts.  
  
  
  
\*\*8. Conclusion:\*\*  
  
Section 357 of the IPC plays a crucial role in safeguarding individual liberty by criminalizing attempts to wrongfully confine a person using force or the threat of force. By aligning the punishment with that for successful wrongful confinement, it emphasizes the seriousness of such attempts and aims to deter individuals from engaging in behavior that infringes upon the fundamental right to freedom of movement. Understanding the nuances of this provision is crucial for law enforcement, judicial officers, and anyone concerned with protecting individual liberties.  
  
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.