# IPC Section 368: Wrongfully concealing or keeping in confinement, kidnapped or abducted person.

## IPC Section 368: Wrongfully Concealing or Keeping in Confinement, Kidnapped or Abducted Person - A Detailed Explanation  
  
Section 368 of the Indian Penal Code deals with the offence of wrongfully concealing or keeping in confinement a person who has been kidnapped or abducted. This section focuses on the act of harboring or concealing a victim after they have been kidnapped or abducted, further compounding the original crime and obstructing justice. It recognizes that individuals who aid in the concealment of kidnapped or abducted persons play a crucial role in facilitating the primary offence and contribute to the victim's continued suffering.  
  
The section reads as follows:  
  
\*\*368. Wrongfully concealing or keeping in confinement, kidnapped or abducted person.—Whoever, knowing that any person has been kidnapped or abducted, wrongfully conceals or keeps such person in confinement, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.\*\*  
  
Let's break down the key elements of Section 368:  
  
\*\*1. Knowing that any person has been kidnapped or abducted:\*\*  
  
This phrase establishes the \*mens rea\* or mental element of the offence. The prosecution must prove that the accused had knowledge that the person they concealed or confined had been kidnapped or abducted. This knowledge is crucial. It’s not enough that the person was, in fact, kidnapped or abducted; the accused must be aware of this fact. Mere suspicion or belief is insufficient; the prosecution must establish actual knowledge.  
  
\*\*2. Wrongfully Conceals:\*\*  
  
This element refers to actively hiding or shielding the kidnapped or abducted person from the authorities or their lawful guardians. It can involve various actions, such as:  
  
\* \*\*Providing a hiding place:\*\* Offering shelter or refuge to the victim.  
\* \*\*Misleading investigators:\*\* Giving false information or diverting attention away from the victim's location.  
\* \*\*Facilitating escape:\*\* Helping the victim avoid detection or apprehension.  
\* \*\*Suppressing evidence:\*\* Destroying or concealing evidence related to the kidnapping or abduction.  
  
\*\*3. Keeps such person in confinement:\*\*  
  
This element refers to restricting the victim's freedom of movement and preventing their escape or return to their lawful guardians. This confinement can take various forms, including:  
  
\* \*\*Physical restraint:\*\* Locking the victim in a room or using physical force to prevent escape.  
\* \*\*Threats or intimidation:\*\* Using coercion to prevent the victim from leaving.  
\* \*\*Exploitation of vulnerability:\*\* Taking advantage of the victim's fear or dependence to control their movements.  
  
\*\*4. Kidnapped or abducted:\*\*  
  
The section refers to a person who has been "kidnapped or abducted." These terms are defined under Sections 361 and 362 of the IPC, respectively:  
  
\* \*\*Kidnapping (Section 361):\*\* Taking or enticing any minor (below 18 for boys and below 16 for girls) out of the keeping of the lawful guardian without the guardian's consent.  
\* \*\*Abduction (Section 362):\*\* Forceful or fraudulent compulsion or inducement of a person to go from any place.  
  
It’s important to note that the offence under Section 368 is separate and distinct from the original act of kidnapping or abduction. Even if the accused was not involved in the initial kidnapping or abduction, they can be held liable under Section 368 if they knowingly conceal or confine the victim.  
  
\*\*5. Punishment:\*\*  
  
The punishment for violating Section 368 is imprisonment of either description (rigorous or simple) for a term which may extend to seven years, and a fine. This significant punishment reflects the seriousness of obstructing justice and contributing to the victim's continued plight.  
  
\*\*6. Difference from related sections:\*\*  
  
Section 368 differs from other sections related to kidnapping and abduction:  
  
\* \*\*Focus on concealment and confinement:\*\* While other sections focus on the initial act of kidnapping or abduction, Section 368 specifically targets the subsequent act of concealing or confining the victim.  
\* \*\*Requirement of Knowledge:\*\* Section 368 mandates that the accused have knowledge of the kidnapping or abduction. This differentiates it from situations where someone might unknowingly harbor a kidnapped or abducted person.  
  
\*\*7. Importance of Section 368:\*\*  
  
This section plays a vital role in:  
  
\* \*\*Deterring harboring of victims:\*\* It discourages individuals from assisting kidnappers or abductors by providing a strong legal deterrent.  
\* \*\*Facilitating rescue of victims:\*\* By criminalizing concealment and confinement, it increases the chances of victims being located and rescued by authorities.  
\* \*\*Protecting victims from further harm:\*\* It helps prevent kidnapped or abducted persons from being subjected to further abuse or exploitation while in confinement.  
\* \*\*Upholding the rule of law:\*\* It supports the effective functioning of the justice system by preventing obstruction of justice and aiding in the apprehension of perpetrators of kidnapping and abduction.  
  
  
In conclusion, Section 368 of the Indian Penal Code serves as an essential tool for law enforcement in combating kidnapping and abduction. It targets those who knowingly aid in the concealment or confinement of victims, thereby hindering rescue efforts and prolonging the victim's ordeal. By imposing a significant penalty, it acts as a deterrent and emphasizes the importance of cooperating with authorities in such cases. This section reinforces the principle that protecting victims and bringing perpetrators to justice requires a collective effort, and anyone knowingly obstructing this process will face legal consequences.