# IPC Section 369: Kidnapping or abducting child under ten years with intent to steal from its person.

## IPC Section 369: Kidnapping or Abducting Child Under Ten Years with Intent to Steal from its Person - A Detailed Explanation  
  
Section 369 of the Indian Penal Code addresses a specific form of kidnapping or abduction where a child under ten years old is targeted with the intent to steal from their person. This section recognizes the heightened vulnerability of young children and the reprehensible nature of exploiting them for theft. It combines the gravity of both kidnapping/abduction and theft, resulting in a more severe punishment than for either offence alone.  
  
The section reads as follows:  
  
\*\*369. Kidnapping or abducting child under [ten] years with intent to steal from its person.—Whoever kidnaps or abducts any child under the age of [ten] years with the intention of taking dishonestly any movable property from the person of such child, 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 analyze the key components of this section:  
  
\*\*1. Kidnaps or abducts:\*\*  
  
The foundation of the offence lies in the act of kidnapping or abduction. As defined under Sections 361 and 362 of the IPC:  
  
\* \*\*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.  
  
Section 369 covers both kidnapping and abduction, highlighting that the specific intent to steal from the child is what distinguishes this offence from general kidnapping or abduction.  
  
\*\*2. Any child under the age of [ten] years:\*\*  
  
This phrase specifies the victim of the offence: a child under the age of ten. This age limit underscores the particular vulnerability of very young children and the greater need for their protection. Children of this age are less likely to understand the nature of the crime, resist effectively, or seek help.  
  
\*\*3. With the intention of taking dishonestly any movable property:\*\*  
  
This phrase outlines the specific \*mens rea\* or criminal intent required for this offence. The perpetrator must have the intention to steal movable property from the child's person. This intent must exist \*at the time\* of the kidnapping or abduction. The actual theft doesn’t need to be successful for the offence to be complete; the intent itself is sufficient.  
  
\* \*\*Taking dishonestly:\*\* This refers to the intention to deprive the rightful owner of their property permanently. It requires a dishonest intention, meaning the perpetrator is aware that they are not entitled to take the property.  
\* \*\*Any movable property:\*\* This encompasses any tangible item capable of being moved, such as jewelry, cash, or clothing worn by the child.  
\* \*\*From the person of such child:\*\* The property must be taken from the child's person. This means the property must be in the child’s immediate possession, such as being worn or carried by them.  
  
\*\*4. Punishment:\*\*  
  
The punishment prescribed for violation of Section 369 is imprisonment of either description (rigorous or simple) for a term which may extend to seven years, along with a fine. This significant punishment reflects the seriousness of exploiting a vulnerable child for theft.  
  
\*\*5. Difference from related sections:\*\*  
  
While related to other sections dealing with kidnapping and abduction, Section 369 has distinct characteristics:  
  
\* \*\*Specific Intent:\*\* It requires the specific intent to steal from the child's person. This differentiates it from other forms of kidnapping or abduction where the motive might be different, such as ransom, forced labor, or illegal adoption.  
\* \*\*Age of the Victim:\*\* The victim must be a child under ten years old, emphasizing the vulnerability of young children.  
\* \*\*Focus on Theft:\*\* The offence is directly linked to the intent to commit theft, making it a compound offence involving both kidnapping/abduction and theft.  
  
  
\*\*6. Importance of Section 369:\*\*  
  
This section plays a crucial role in:  
  
\* \*\*Protecting young children:\*\* It provides specific legal protection to children under ten, recognizing their increased vulnerability to exploitation.  
\* \*\*Deterring exploitation for theft:\*\* The substantial punishment acts as a deterrent against targeting children for theft.  
\* \*\*Addressing a specific form of crime:\*\* It addresses a particular type of crime that combines the gravity of kidnapping/abduction with the exploitation of children for personal gain.  
\* \*\*Upholding children's rights:\*\* It reinforces the state’s commitment to safeguarding the well-being and safety of children.  
  
  
In conclusion, Section 369 of the Indian Penal Code is a vital legal provision that specifically addresses the kidnapping or abduction of children under ten years old with the intent to steal from their person. It recognizes the vulnerability of young children and the gravity of exploiting them for theft. By imposing a substantial penalty, it aims to deter such crimes and protect children from this form of exploitation. The section's focus on the specific intent ensures that those who target children for theft face appropriate legal consequences, reinforcing the message that exploiting children for personal gain will not be tolerated.