# IPC Section 385: Putting person in fear of injury in order to commit extortion.

Section 385 of the Indian Penal Code (IPC) deals with the \*attempt\* to commit extortion. It criminalizes the act of putting someone in fear of injury with the intention of committing extortion, even if the extortion itself is not ultimately successful. This section recognizes the inherent danger posed by such attempts and aims to deter individuals from engaging in such behavior.  
  
\*\*Detailed Explanation of Section 385:\*\*  
  
The key elements of Section 385 are:  
  
1. \*\*Putting any person in fear of any injury:\*\* Similar to Section 383 (Extortion), this element requires the accused to intentionally instill fear in the victim's mind. The "injury" can be any harm, including physical, psychological, reputational, or property-related, as explained under Section 383. The fear must be reasonable and justified under the circumstances, such that a reasonable person in the victim's position would feel genuine fear.  
  
2. \*\*In order to commit extortion:\*\* This is the crucial element that distinguishes Section 385 from other offences involving threats or intimidation. The accused must put the victim in fear of injury \*for the specific purpose\* of committing extortion. This implies that the threat is intended to compel the victim to deliver property or valuable security. The prosecution needs to establish a clear link between the act of instilling fear and the intention to extort.  
  
 It's important to note that the actual commission of extortion is \*not\* required for this section to apply. The offence is complete the moment the accused puts the victim in fear with the intention of extorting them, regardless of whether they succeed in obtaining any property or valuable security.  
  
\*\*Punishment under Section 385:\*\*  
  
The punishment for putting a person in fear of injury in order to commit extortion is imprisonment of either description for a term which may extend to two years, or with fine, or with both. The court can impose either rigorous imprisonment (involving hard labor) or simple imprisonment, depending on the circumstances of the case.  
  
\*\*Distinction from Other Sections:\*\*  
  
It's important to differentiate Section 385 from related offences:  
  
\* \*\*Section 383 (Extortion):\*\* This section deals with the completed offence of extortion, where the accused successfully obtains property or valuable security by putting the victim in fear of injury. Section 385, on the other hand, focuses on the \*attempt\* to commit extortion, even if unsuccessful.  
  
\* \*\*Section 384 (Punishment for extortion):\*\* This section prescribes the punishment for the offence of extortion as defined under Section 383. It does not deal with the attempt.  
  
\* \*\*Section 386 (Extortion by putting a person in fear of death or grievous hurt):\*\* This section covers an aggravated form of extortion where the threatened injury is specifically death or grievous hurt.  
  
\* \*\*Section 387 (Putting person in fear of death or grievous hurt, in order to commit extortion):\*\* This section deals with the attempt to commit extortion by putting a person in fear of death or grievous hurt, carrying a higher penalty than Section 385.  
  
\* \*\*Section 503 (Criminal intimidation):\*\* While both sections involve threats, criminal intimidation is a broader offence. Section 385 specifically requires the threat to be made \*in order to commit extortion\*. If the threat is made for other purposes, such as to cause alarm or annoyance, it may fall under Section 503 instead.  
  
  
\*\*Evidentiary Considerations:\*\*  
  
Proving an offence under Section 385 requires establishing both elements mentioned above. The prosecution needs to demonstrate:  
  
\* The accused put the victim in fear of injury.  
\* The accused did so with the intention of committing extortion.  
  
Evidence can include the victim's testimony, witness accounts, any written or recorded threats, and other circumstantial evidence that points to the accused's intent. The context of the threat and the accused's subsequent actions are important factors in determining their intent.  
  
\*\*Illustrative Examples:\*\*  
  
\* Sending a threatening letter demanding money, even if the victim doesn't pay.  
\* Verbally threatening to harm someone unless they hand over valuable property, even if they refuse.  
\* Damaging someone's property and then demanding payment to prevent further damage, even if the victim doesn't comply.  
  
  
In summary, Section 385 of the IPC serves as a deterrent against attempted extortion by criminalizing the act of putting someone in fear of injury with the intent to extort. It recognizes that even unsuccessful attempts at extortion create a climate of fear and insecurity and deserve to be punished. The section complements the other provisions related to extortion, creating a comprehensive legal framework to address various forms of this crime, both successful and attempted, thereby safeguarding individuals from coercion and intimidation.