# IPC Section 386: Extortion by putting a person in fear of death on grievous hurt.

Section 386 of the Indian Penal Code (IPC) addresses a more severe form of extortion where the perpetrator uses threats of death or grievous hurt to compel the delivery of property or valuable security. This section acknowledges the heightened gravity of such threats and imposes a harsher punishment compared to simple extortion under Section 383.  
  
\*\*Detailed Explanation of Section 386:\*\*  
  
The essential elements of extortion under Section 386 are:  
  
1. \*\*Putting a person in fear of death or grievous hurt:\*\* This is the core element distinguishing Section 386 from Section 383 (Extortion). The accused must intentionally instill fear of death or grievous hurt in the victim's mind or in the mind of any person. Grievous hurt is defined under Section 320 of the IPC and includes injuries like emasculation, permanent privation of the sight of either eye, permanent privation of the hearing of either ear, privation of any member or joint, destruction or permanent impairing of the powers of any member or joint, permanent disfiguration of the head or face, fracture or dislocation of a bone or tooth, and any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.  
  
2. \*\*Inducing the person so put in fear to deliver to any person any property or valuable security:\*\* Similar to Section 383, the fear instilled must be the driving force behind the victim's decision to hand over property or valuable security. The accused must exploit this fear to obtain something of value. The transfer of property must be a direct consequence of the induced fear.  
  
3. \*\*Intention of causing wrongful gain to one person or wrongful loss to another person:\*\* This element establishes the dishonest intent behind the act. The accused must intend to benefit themselves or another person unlawfully, or cause unlawful loss to the victim. The gain or loss can be pecuniary or otherwise.  
  
  
\*\*Punishment under Section 386:\*\*  
  
Extortion committed by putting a person in fear of death or grievous hurt is punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. This significantly higher penalty compared to the maximum three years imprisonment under Section 383 reflects the increased severity of the threat involved.  
  
  
\*\*Distinction from other Sections:\*\*  
  
It is crucial to differentiate Section 386 from related offences:  
  
\* \*\*Section 383 (Extortion):\*\* Section 383 deals with general extortion, where the threat can be of any injury. Section 386 specifically addresses threats of death or grievous hurt.  
  
\* \*\*Section 384 (Punishment for extortion):\*\* This section specifies the punishment for simple extortion under Section 383.  
  
\* \*\*Section 385 (Putting person in fear of injury in order to commit extortion):\*\* This section covers the \*attempt\* to commit general extortion.  
  
\* \*\*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.  
  
\* \*\*Section 392 (Robbery):\*\* While both involve threats, robbery involves the use of force or threat of immediate force to commit theft. Extortion focuses on inducing fear to obtain property or valuable security, and the threat need not be of immediate force.  
  
\* \*\*Section 302 (Murder):\*\* If the accused actually causes the death of the person they threatened, they could be charged with murder, which carries a much more severe penalty.  
  
\* \*\*Section 320 (Grievous Hurt):\*\* If the accused inflicts grievous hurt on the victim, they could be charged under this section in addition to extortion.  
  
\*\*Evidentiary Considerations:\*\*  
  
To secure a conviction under Section 386, the prosecution must prove beyond reasonable doubt that the accused:  
  
\* Put the victim or any other person in fear of death or grievous hurt.  
\* Induced the victim to deliver property or valuable security because of that fear.  
\* Acted with the intention of causing wrongful gain or loss.  
  
Evidence can include the victim’s testimony, witness accounts, written or recorded threats, medical evidence of injuries (if any), and any other relevant material that establishes the elements of the offence. The severity of the threat and the victim's state of mind are crucial considerations.  
  
  
In conclusion, Section 386 of the IPC serves as a strong deterrent against extortion involving threats of death or grievous hurt. It recognizes the greater potential for harm associated with such threats and imposes a harsher penalty to protect individuals from this particularly dangerous form of coercion. The section clarifies the distinction between general extortion and extortion involving these severe threats, ensuring that the punishment fits the crime and reflects the gravity of the offence.