# IPC Section 389: Putting person in fear of accusation of offence, in order to commit extortion.

Section 389 of the Indian Penal Code (IPC) addresses the \*attempt\* to commit extortion by threatening to accuse someone of an offence punishable with death, imprisonment for life, or imprisonment for a term of ten years or upwards, or of an offence punishable under Section 377 (Unnatural offences). This section, like Section 388, recognizes the potent coercive power of such accusations, even if they are false, and seeks to deter individuals from using this tactic to attempt extortion.  
  
\*\*Detailed Explanation of Section 389:\*\*  
  
The essential elements of this offence are:  
  
1. \*\*Putting any person in fear of accusation of any offence punishable with death, imprisonment for life, or imprisonment for a term of ten years or upwards, or of an offence punishable under Section 377:\*\* This is the core element of Section 389. The accused must intentionally instill fear in the victim's mind by threatening to accuse them or someone they care about of a serious crime. The threat can be explicit or implied, as long as it creates a reasonable apprehension of accusation. The inclusion of Section 377 recognizes the particular vulnerability of victims to threats involving this offence due to the social stigma associated with it. Crucially, the offence the accused threatens to accuse the victim of does \*not\* need to have actually occurred. The gravity of the threatened accusation is the key factor.  
  
2. \*\*In order to commit extortion:\*\* This element links the threat to the intent to extort. The accused must make the threat \*for the specific purpose\* of compelling the victim to deliver property or valuable security. The threat must be instrumental to the intended extortion.  
  
 Critically, the \*actual commission of extortion is not required\* for this section to apply. The offence is complete the moment the accused makes the threat with the intention of extorting, even if they fail to obtain anything of value. This emphasizes the importance of preventing such attempts, as the threat itself can cause significant distress and harm.  
  
  
\*\*Punishment under Section 389:\*\*  
  
Putting a person in fear of accusation of an offence punishable with death, imprisonment for life, or imprisonment for ten years or more, or of an offence under Section 377, in order to commit extortion, is punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. This is a substantial penalty, reflecting the seriousness of the threat and the intent to extort.  
  
  
\*\*Distinction from Other Sections:\*\*  
  
It's essential to differentiate Section 389 from related offences:  
  
\* \*\*Section 383 (Extortion):\*\* This section covers the completed offence of general extortion.  
  
\* \*\*Section 384 (Punishment for extortion):\*\* This section prescribes the punishment for the completed offence of extortion under Section 383.  
  
\* \*\*Section 385 (Putting person in fear of injury in order to commit extortion):\*\* This section deals with the attempt to commit general extortion by threatening any injury.  
  
\* \*\*Section 386 (Extortion by putting a person in fear of death or grievous hurt):\*\* This section deals with the completed offence of extortion involving threats of death or grievous hurt.  
  
\* \*\*Section 387 (Putting person in fear of death or grievous hurt, in order to commit extortion):\*\* This section covers the attempt to commit extortion by threatening death or grievous hurt directly.  
  
\* \*\*Section 388 (Extortion by threat of accusation of an offence punishable with death or imprisonment for life, etc.):\*\* This section deals with the \*completed\* offence of extortion using the specific threat of a serious criminal accusation, while Section 389 deals with the \*attempt\*.  
  
\* \*\*Section 503 (Criminal intimidation):\*\* Criminal intimidation is a broader offence. Section 389 specifically requires the threat of accusation to be made \*in order to commit extortion\*.  
  
\* \*\*Section 506 (Punishment for criminal intimidation):\*\* This section prescribes the punishment for the offence of criminal intimidation.  
  
\* \*\*Section 211 (False charge of offence made with intent to injure):\*\* This section deals with falsely charging someone with an offence with the intent to injure them, but it doesn't require the element of attempting to extort property.  
  
  
\*\*Evidentiary Considerations:\*\*  
  
To prove an offence under Section 389, the prosecution must establish beyond a reasonable doubt:  
  
\* The accused put the victim in fear of accusation of a serious offence or an offence under Section 377.  
\* The accused did so with the intention of committing extortion.  
  
Evidence can include the victim’s testimony, witness accounts, written or recorded threats, and any other circumstantial evidence that supports the victim's claim and demonstrates the accused's intent. The context of the threat, the accused's subsequent actions, and any demands for property or valuable security are critical factors in determining their intent.  
  
  
In summary, Section 389 of the IPC serves as a deterrent against attempted extortion involving the threat of serious criminal accusations, including accusations under Section 377. It recognizes the significant potential harm associated with such threats, even if they are not carried out, and imposes a substantial penalty to protect individuals from this insidious form of intimidation. The section clarifies the distinction between attempts to commit general extortion and attempts involving these specific threats, ensuring that the law adequately addresses the varying degrees of harm associated with different types of extortionate behavior.