# IPC Section 390: Robbery. When theft is robbery. When extortion is robbery.

Section 390 of the Indian Penal Code (IPC) defines "robbery," a more serious offence than theft or extortion. It essentially describes when theft becomes robbery and when extortion becomes robbery, elevating the gravity of the crime based on the presence of force, or the threat of immediate force, used in its commission.  
  
\*\*Defining Robbery:\*\*  
  
Section 390 lays out specific circumstances under which theft and extortion are considered robbery:  
  
\*\*1. When Theft is Robbery:\*\*  
  
Theft, defined under Section 378, becomes robbery when the following conditions are met:  
  
\* \*\*Voluntarily causing or attempting to cause hurt, wrongful restraint, or fear of instant hurt or of instant wrongful restraint:\*\* This is the key element that transforms theft into robbery. The offender must use force or the threat of immediate force during the commission of the theft.  
  
 \* \*\*Hurt:\*\* Causing bodily pain, disease, or infirmity to any person.  
 \* \*\*Wrongful restraint:\*\* Preventing a person from proceeding in any direction in which they have a right to proceed.  
 \* \*\*Fear of instant hurt/wrongful restraint:\*\* The threat must be of immediate harm or restraint, creating an apprehension of immediate consequences in the victim's mind. A future threat is insufficient to constitute robbery.  
  
\* \*\*The hurt, wrongful restraint, or fear must be used to commit the theft or in committing the theft or in carrying away or attempting to carry away property obtained by the theft:\*\* This establishes the connection between the use of force and the act of theft. The force must be employed for the purpose of facilitating the theft, either in its commission, or in escaping with the stolen property.  
  
  
\*\*2. When Extortion is Robbery:\*\*  
  
Extortion, defined under Section 383, becomes robbery when the following conditions are met:  
  
\* \*\*Putting a person in fear of instant hurt or of instant wrongful restraint:\*\* Similar to theft, the threat must be of immediate harm or restraint. A threat of future harm will not elevate extortion to robbery.  
\* \*\*Inducing the person to deliver any property or valuable security:\*\* The fear induced must be the reason the victim hands over their property.  
\* \*\*Intention of taking or causing the property or valuable security to be taken dishonestly:\*\* This element emphasizes the dishonest intent behind the act.  
  
  
\*\*Essentially, robbery is a combination of theft or extortion with the added element of force or immediate threat of force.\*\*  
  
\*\*Punishment for Robbery:\*\*  
  
The punishment for robbery varies based on the degree of violence or threat used:  
  
\* \*\*Simple Robbery (Section 392):\*\* Rigorous imprisonment for up to ten years, and also liable to fine.  
  
\* \*\*Robbery with attempt to cause death or grievous hurt (Section 397):\*\* Rigorous imprisonment for up to life or for a term which may extend to ten years, and shall also be liable to fine.  
  
  
\*\*Distinction from Other Sections:\*\*  
  
Differentiating robbery from related offences is crucial:  
  
\* \*\*Theft (Section 378):\*\* Theft lacks the element of force or threat of immediate force.  
  
\* \*\*Extortion (Section 383):\*\* Extortion involves threats, but they need not be of immediate harm.  
  
\* \*\*Dacoity (Section 391):\*\* Dacoity is robbery committed by five or more persons.  
  
\* \*\*Criminal trespass (Section 441):\*\* Trespassing with the intent to commit an offence, including theft, can be a separate offence accompanying robbery.  
  
\* \*\*Assault (Sections 351-358):\*\* Assault can be a component of robbery if the offender uses force.  
  
\* \*\*Wrongful restraint (Sections 339-348):\*\* Wrongful restraint can also be a component of robbery if the offender restricts the victim's movement.  
  
  
  
\*\*Evidentiary Considerations:\*\*  
  
Proving robbery requires establishing all the elements outlined above. Evidence can include the victim’s testimony, witness accounts, medical evidence of injuries (if any), recovery of stolen property, and any other relevant material that supports the victim's claims. The prosecution must demonstrate that the force or threat of immediate force was directly linked to the act of theft or extortion.  
  
  
In conclusion, Section 390 of the IPC defines robbery as an aggravated form of theft or extortion involving the use or threat of immediate force. It provides specific criteria for distinguishing robbery from these lesser offences and lays the groundwork for the varying punishments prescribed for different degrees of robbery under subsequent sections of the IPC. This section plays a crucial role in protecting individuals from violent property crime and ensuring that perpetrators face appropriate legal consequences.