# IPC Section 393: Attempt to commit robbery.

## IPC Section 393: Attempt to Commit Robbery  
  
Section 393 of the Indian Penal Code (IPC) deals with the offence of attempting to commit robbery. It criminalizes the inchoate stage of robbery, recognizing that even unsuccessful attempts to commit this serious crime pose a threat to public order and individual safety. This detailed explanation will delve into the various facets of Section 393, including its essential ingredients, the distinction between attempt and preparation, relevant case laws, punishment prescribed, and related provisions.  
  
\*\*Definition and Essential Ingredients:\*\*  
  
Section 393 of the IPC states: "Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine."  
  
To establish the offence under Section 393, the prosecution must prove the following essential ingredients:  
  
1. \*\*Attempt to commit robbery:\*\* This constitutes the core of the offence. The individual must have gone beyond mere preparation and taken steps towards the actual commission of robbery. The crucial distinction between preparation and attempt lies in the proximity and directness of the act towards the intended crime. Mere possession of tools or weapons, while suspicious, may not necessarily constitute an attempt unless accompanied by other overt acts demonstrating a clear intention to commit robbery. The act must be sufficiently proximate to the completed offence to demonstrate a real and present danger of its commission.  
  
2. \*\*Intention to commit robbery:\*\* The accused must have possessed the \*mens rea\* or guilty mind to commit robbery. This implies a conscious intention to commit theft accompanied by the use of force or threat of force. The intent must be demonstrably linked to the actus reus, the physical act of the attempt.   
  
3. \*\*Failure to commit robbery:\*\* The attempted robbery must have been unsuccessful. If the robbery is successfully completed, the offence would fall under Section 392 (Robbery) and not Section 393.  
  
\*\*Distinction between Preparation and Attempt:\*\*  
  
A crucial aspect of understanding Section 393 lies in differentiating between mere preparation and an actual attempt. This distinction is often subtle and fact-specific, requiring careful examination of the circumstances surrounding the alleged offence.  
  
\*Preparation\* involves arranging the means or measures necessary for the commission of an offence. It is a preliminary stage, removed from the actual execution of the crime. For example, purchasing a knife or gathering information about a potential target might be considered preparatory acts.  
  
\*Attempt\*, on the other hand, signifies a direct movement towards the commission of the offence after the preparations are complete. It signifies crossing the line from mere contemplation or preparation to active execution. An attempt goes beyond mere intention and involves concrete steps taken towards realizing the criminal objective.  
  
The Supreme Court in \*State of Maharashtra v. Mohd. Yakub\* clarified this distinction, stating that an act becomes an attempt when it is immediately connected with the intended offence and forms part of a series of acts which would constitute its actual commission if it were not interrupted. The Court emphasized the need to look at the totality of the circumstances to determine whether the acts constitute an attempt or mere preparation.  
  
\*\*Relevant Case Laws:\*\*  
  
Several judicial pronouncements have shaped the interpretation and application of Section 393. Some illustrative examples include:  
  
\* \*Abhayananda Mishra v. State of Bihar:\* This case highlighted the importance of proximity to the commission of the offence. The Court held that merely possessing housebreaking implements near a house doesn't constitute an attempt unless accompanied by overt acts indicating an immediate intention to commit robbery.  
  
\* \*R. v. Taylor:\* This English case, while not directly binding, provides valuable insights into the concept of attempt. The accused was apprehended while attempting to break open a window shutter. The Court held that the act constituted an attempt to commit burglary even though the actual entry into the house had not occurred.  
  
\* \*Sudhir v. State of Madhya Pradesh:\* This case emphasized the requirement of \*mens rea\*. The accused was found carrying a gun near a bank but claimed he was carrying it for self-defence. The Court held that in the absence of evidence establishing the intention to commit robbery, the accused could not be convicted under Section 393.  
  
\*\*Punishment:\*\*  
  
Section 393 prescribes rigorous imprisonment for a term which may extend to seven years, along with a fine. The severity of the punishment underscores the gravity of attempting to commit robbery, even if the attempt is unsuccessful. The Court has discretion in determining the appropriate sentence within the prescribed limit, taking into account the facts and circumstances of each case.  
  
\*\*Related Provisions:\*\*  
  
Section 393 is closely related to other provisions in the IPC dealing with robbery and theft. Section 390 defines "robbery," and Section 392 prescribes the punishment for robbery. Section 378 defines "theft," and Section 379 deals with the punishment for theft. The interplay between these sections is crucial in determining the appropriate charge in cases involving robbery and theft.  
  
\*\*Conclusion:\*\*  
  
Section 393 of the IPC plays a vital role in deterring individuals from attempting to commit robbery. It recognizes the potential danger posed by such attempts and aims to protect individuals and property from harm. The application of this section requires careful consideration of the specific facts and circumstances, paying close attention to the distinction between preparation and attempt, and the presence of the requisite \*mens rea\*. The jurisprudence surrounding Section 393 emphasizes the need for a balanced approach, ensuring that individuals are not penalized for mere preparatory acts while effectively punishing those who cross the line into an actual attempt to commit this serious crime.