# IPC Section 396: Dacoity with murder.

## Section 396 of the Indian Penal Code: Dacoity with Murder  
  
Section 396 of the Indian Penal Code deals with the gravely serious offence of dacoity with murder. This section addresses a specific scenario where a dacoity, already a severe crime, escalates to involve the loss of human life. The law recognizes the extreme danger and depravity associated with such acts and prescribes stringent punishments accordingly.  
  
\*\*Understanding Dacoity (Section 391):\*\*  
  
The foundation of Section 396 lies in the definition of "dacoity" provided in Section 391 of the IPC. Dacoity is defined as the commission or attempt to commit robbery by five or more persons. Robbery, in turn, involves theft accompanied by the use of force or threat of force.  
  
\*\*Essential Ingredients of Section 396:\*\*  
  
To establish an offence under Section 396, the prosecution must prove the following elements beyond a reasonable doubt:  
  
1. \*\*Dacoity:\*\* The first ingredient is the commission of dacoity as defined in Section 391. This requires the presence of five or more individuals who either commit robbery or attempt to commit robbery.  
  
2. \*\*Murder during the course of dacoity:\*\* The second and crucial ingredient is the occurrence of murder during the commission of the dacoity. The murder must be committed by one of the dacoits in the course of the same transaction, meaning it must be directly connected to the dacoity and not a separate, unrelated incident. The term "murder" is defined under Section 300 of the IPC and encompasses various forms of culpable homicide amounting to murder.  
  
3. \*\*Joint Liability:\*\* Section 396 imposes joint liability on all the dacoits involved, even if only one of them commits the murder. The principle underlying this provision is that all participants in the dacoity share a common intention to commit robbery, and the murder committed by one member is considered to be a foreseeable consequence of their joint criminal enterprise. Therefore, every person involved in the dacoity is held accountable for the murder, regardless of their individual role in the killing.  
  
\*\*Punishment under Section 396:\*\*  
  
Section 396 mandates severe punishment for dacoity with murder: death, or imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine. The severity of the punishment reflects the gravity of the offence, which combines the elements of organized crime, violence, and the ultimate violation of human life. The court has the discretion to impose the death penalty in the most heinous cases, considering the facts and circumstances of the crime.  
  
\*\*Distinction from Related Sections:\*\*  
  
\* \*\*Section 395 (Punishment for Dacoity):\*\* Section 396 is a specific aggravated form of dacoity where murder is committed during the commission of the offence. Section 395 prescribes a lesser punishment for dacoity without murder.  
  
\* \*\*Section 397 (Robbery, or dacoity, with attempt to cause death or grievous hurt):\*\* This section deals with situations where an attempt is made to cause death or grievous hurt during robbery or dacoity. The crucial difference between Section 396 and Section 397 lies in the outcome. Section 396 applies when murder is actually committed, whereas Section 397 applies when an attempt is made to cause death or grievous hurt but the victim survives.  
  
\* \*\*Section 302 (Punishment for Murder):\*\* While Section 302 also deals with murder, Section 396 specifically addresses the context of murder committed during dacoity. The context of dacoity enhances the gravity of the offence and attracts more severe punishment.  
  
\* \*\*Section 34 (Acts done by several persons in furtherance of common intention):\*\* While Section 34 can be applied in cases of dacoity with murder, Section 396 is a specific provision that directly addresses this scenario and provides for a specific punishment. Section 396 overrides the general principles of joint liability under Section 34 in cases of dacoity with murder.  
  
\*\*Illustrative Example:\*\*  
  
A group of six individuals commits dacoity in a house. During the robbery, one of the dacoits shoots and kills a resident of the house who tries to resist. All six dacoits are liable for punishment under Section 396, even if only one of them fired the fatal shot.  
  
  
\*\*Conclusion:\*\*  
  
Section 396 of the IPC represents the legislature's firm stance against the heinous crime of dacoity with murder. The section recognizes the inherent danger to life and property posed by dacoity and the heightened risk when it results in murder. By imposing joint liability and prescribing severe punishments, Section 396 seeks to deter the commission of such grave offences and uphold the sanctity of human life. Understanding the key elements and implications of this section is crucial for effective law enforcement, prosecution, and adjudication of these complex cases.