# IPC Section 397: Robbery, or dacoity, with attempt to cause death or grievous hurt.

## Section 397 of the Indian Penal Code: Robbery, or Dacoity, with Attempt to Cause Death or Grievous Hurt  
  
Section 397 of the Indian Penal Code addresses a particularly violent form of robbery and dacoity where the offenders demonstrate an intent to cause death or grievous hurt. This section recognizes the heightened threat to life and safety posed by such acts and prescribes a more severe punishment compared to simple robbery or dacoity.  
  
\*\*Understanding the Underlying Offences:\*\*  
  
Before examining Section 397 in detail, it is essential to understand the underlying offences of robbery and dacoity:  
  
\* \*\*Robbery (Section 390):\*\* Robbery is defined as theft accompanied by the use of force or threat of force. It involves various specific scenarios where force or threat of force is used to commit theft.  
  
\* \*\*Dacoity (Section 391):\*\* Dacoity is an aggravated form of robbery committed by five or more persons. When five or more individuals commit or attempt to commit robbery, every person involved is deemed to have committed dacoity.  
  
  
\*\*Essential Ingredients of Section 397:\*\*  
  
To establish an offence under Section 397, the prosecution must prove the following elements beyond a reasonable doubt:  
  
1. \*\*Commission of Robbery or Dacoity:\*\* The first ingredient is the commission of either robbery as defined in Section 390 or dacoity as defined in Section 391. The offence must satisfy all the elements of either robbery or dacoity.  
  
2. \*\*Attempt to Cause Death or Grievous Hurt:\*\* The second crucial ingredient is the attempt to cause death or grievous hurt during the commission of the robbery or dacoity. The attempt must be deliberate and intentional, and it must be directly connected to the commission of the robbery or dacoity. "Grievous hurt" is defined under Section 320 of the IPC and includes specific injuries considered particularly serious.  
  
3. \*\*Use of a Deadly Weapon:\*\* Section 397 specifically mentions the use of a "deadly weapon" as a factor that qualifies the offence under this section. A deadly weapon is any instrument capable of causing death or grievous hurt. Even if the weapon is not actually used to inflict injury, the mere fact of its use during the commission of robbery or dacoity attracts the provisions of Section 397.  
  
4. \*\*Causing Grievous Hurt:\*\* Alternatively, if grievous hurt is actually caused during the commission of robbery or dacoity, the offence falls under Section 397, irrespective of whether a deadly weapon was used or not.  
  
  
\*\*Punishment under Section 397:\*\*  
  
Section 397 prescribes rigorous imprisonment for a term which may extend to life, and shall also be liable to fine. This enhanced punishment compared to simple robbery or dacoity reflects the increased danger and potential for serious harm associated with an attempt to cause death or grievous hurt during the commission of these offences.  
  
  
\*\*Distinction from Related Sections:\*\*  
  
\* \*\*Section 392 (Punishment for Robbery):\*\* Section 397 prescribes a more severe punishment compared to Section 392, which deals with simple robbery. The difference lies in the intent to cause death or grievous hurt, which elevates the gravity of the offence.  
  
\* \*\*Section 395 (Punishment for Dacoity):\*\* Similarly, Section 397 provides a harsher punishment than Section 395, which deals with dacoity without the element of attempting to cause death or grievous hurt.  
  
\* \*\*Section 396 (Dacoity with Murder):\*\* This section deals with the specific scenario where murder is committed during the course of dacoity. The key difference between Section 396 and Section 397 is the outcome. Section 396 applies when death actually occurs, while Section 397 applies when an attempt is made to cause death or grievous hurt but the victim survives.  
  
  
\*\*Illustrative Examples:\*\*  
  
\* A group of five individuals commits dacoity in a house. One of the dacoits attacks a resident with a knife, intending to kill him but only causing grievous hurt. All five dacoits are liable for punishment under Section 397.  
\* A single individual commits robbery and, during the robbery, attempts to strangle the victim with the intent to cause death. The robber is liable for punishment under Section 397.  
  
  
\*\*Conclusion:\*\*  
  
Section 397 of the IPC serves as a deterrent against the use of extreme violence during the commission of robbery or dacoity. By specifically addressing the intent to cause death or grievous hurt and the use of deadly weapons, this section emphasizes the severity of such acts and provides for enhanced punishments to protect individuals from potentially life-threatening situations. Understanding the elements and implications of Section 397 is essential for effective law enforcement and the proper adjudication of these serious offences.