# IPC Section 398: Attempt to commit robbery or dacoity when armed with deadly weapon.

## Section 398 of the Indian Penal Code: Attempt to Commit Robbery or Dacoity When Armed with a Deadly Weapon  
  
Section 398 of the Indian Penal Code addresses the dangerous situation where individuals attempt to commit robbery or dacoity while armed with a deadly weapon. This section recognizes the inherent threat posed by such preparedness for violence, even if the intended robbery or dacoity is not successfully completed. The law aims to deter such behavior by prescribing specific punishments for the attempt itself when accompanied by the presence of a deadly weapon.  
  
\*\*Understanding the Underlying Offences:\*\*  
  
To grasp the scope of Section 398, it is crucial 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 encompasses various scenarios where 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, they are considered to have committed dacoity.  
  
\* \*\*Attempt (Section 511):\*\* The concept of "attempt" is crucial to Section 398. An attempt to commit an offence occurs when a person, intending to commit an offence, begins to put his intention into execution by doing an act which is more than mere preparation but falls short of the complete execution of the offence.  
  
  
\*\*Essential Ingredients of Section 398:\*\*  
  
To establish an offence under Section 398, the prosecution must prove the following elements:  
  
1. \*\*Attempt to Commit Robbery or Dacoity:\*\* The first ingredient is an attempt to commit either robbery as defined in Section 390 or dacoity as defined in Section 391. The accused must have taken steps beyond mere preparation towards the commission of the offence, but the robbery or dacoity must not have been completed.  
  
2. \*\*Possession of a Deadly Weapon:\*\* The second crucial element is the possession of a deadly weapon at the time of attempting to commit robbery or dacoity. A "deadly weapon" is any instrument capable of causing death or grievous hurt. The accused must have the weapon in their possession or control during the attempt.  
  
3. \*\*Knowledge of Possession:\*\* The accused must be aware that they possess the deadly weapon. Unintentional or unknowing possession of a deadly weapon will not satisfy this requirement.  
  
  
\*\*Punishment under Section 398:\*\*  
  
Section 398 prescribes rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine. This punishment is less severe than the punishments for completed robbery or dacoity with aggravating circumstances, but it is significantly higher than the punishment for mere attempt to commit robbery or dacoity without a deadly weapon. This reflects the legislature's intent to deter the carrying of deadly weapons during the commission of these offences.  
  
  
\*\*Distinction from Related Sections:\*\*  
  
\* \*\*Section 392 (Punishment for Robbery):\*\* Section 398 applies to attempts to commit robbery, whereas Section 392 deals with completed robberies. The punishment under Section 398 is lower than that under Section 392, as the offence is not completed.  
  
\* \*\*Section 395 (Punishment for Dacoity):\*\* Similarly, Section 398 applies to attempts to commit dacoity while armed with a deadly weapon, whereas Section 395 deals with completed dacoities. The punishment under Section 398 is lower than that under Section 395.  
  
\* \*\*Section 397 (Robbery or Dacoity with Attempt to Cause Death or Grievous Hurt):\*\* Section 397 applies when an attempt is made to cause death or grievous hurt during a completed robbery or dacoity. Section 398, on the other hand, applies to attempts to commit robbery or dacoity while possessing a deadly weapon, even if no actual attempt to cause death or grievous hurt is made.  
  
\* \*\*Section 511 (Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment):\*\* While Section 511 is a general provision dealing with attempts to commit offences, Section 398 is a specific provision addressing the attempt to commit robbery or dacoity while armed with a deadly weapon. Section 398 overrides the general provisions of Section 511 in such cases.  
  
  
  
\*\*Illustrative Example:\*\*  
  
A group of five individuals, armed with knives, attempts to break into a house with the intention of committing dacoity. However, they are apprehended by the police before they can enter the house. They are liable for punishment under Section 398 as they attempted to commit dacoity while armed with deadly weapons.  
  
  
\*\*Conclusion:\*\*  
  
Section 398 of the IPC plays a crucial role in deterring potential offenders from carrying deadly weapons during attempts to commit robbery or dacoity. By penalizing the possession of a deadly weapon during the attempt itself, the law recognizes the inherent danger posed by such preparedness for violence and seeks to prevent the escalation of these offences into more serious crimes involving actual harm. Understanding the nuances of Section 398 is crucial for effective law enforcement and ensuring public safety.