# IPC Section 399: Making preparation to commit dacoity.

## Section 399 of the Indian Penal Code: Making Preparation to Commit Dacoity  
  
Section 399 of the Indian Penal Code deals with the act of making preparations to commit dacoity. This section recognizes that even the preparatory stages of a serious crime like dacoity pose a threat to public order and safety. By criminalizing the act of preparation itself, the law aims to prevent the commission of dacoity and safeguard society from the potential harm associated with this organized crime.  
  
\*\*Understanding Dacoity (Section 391):\*\*  
  
The foundation of Section 399 lies in the definition of "dacoity" as 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 399:\*\*  
  
To establish an offence under Section 399, the prosecution must prove the following elements beyond a reasonable doubt:  
  
1. \*\*Assembly of Five or More Persons:\*\* The first essential ingredient is the assembly of five or more persons. This gathering of individuals must be for the specific purpose of committing dacoity. A casual gathering or assembly for other purposes does not fall under this section.  
  
2. \*\*Common Intention:\*\* The assembled individuals must share a common intention to commit dacoity. This means that each person in the assembly must be aware of and agree to the plan to commit dacoity.  
  
3. \*\*Preparation for Dacoity:\*\* The third crucial ingredient is the act of making preparations for committing dacoity. This involves taking steps towards the execution of the planned dacoity. Mere intention to commit dacoity without any preparatory acts is not sufficient to attract this section. The preparation must go beyond mere planning and involve concrete actions directed towards the commission of the offence. Examples of such preparation include:  
 \* Assembling at a pre-determined location.  
 \* Procuring weapons or tools to be used in the dacoity.  
 \* Making arrangements for transportation to and from the target location.  
 \* Conducting reconnaissance of the target location.  
 \* Assigning roles and responsibilities to each member of the group.  
  
\*\*Punishment under Section 399:\*\*  
  
Section 399 prescribes rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine. The punishment is substantial, reflecting the seriousness with which the law views the preparatory stages of dacoity. The severity of the punishment aims to deter individuals from engaging in such preparatory acts and prevent the commission of the actual offence.  
  
\*\*Distinction from Related Sections:\*\*  
  
\* \*\*Section 391 (Dacoity):\*\* Section 399 deals with the preparation to commit dacoity, whereas Section 391 defines the completed offence of dacoity. The punishment under Section 399 is less severe than the punishment for completed dacoity, but it is still significant.  
  
\* \*\*Section 395 (Punishment for Dacoity):\*\* Section 395 prescribes the punishment for completed dacoity, while Section 399 addresses the preparatory stage.  
  
\* \*\*Section 120B (Criminal Conspiracy):\*\* While there might be an overlap between Section 399 and Section 120B (which deals with criminal conspiracy), Section 399 is a specific provision that directly addresses the preparation to commit dacoity and provides a specific punishment. Section 399 requires an assembly of five or more persons, whereas a conspiracy can be formed with fewer individuals.  
  
\* \*\*Section 511 (Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment):\*\* Section 511 deals with attempts to commit offences, whereas Section 399 specifically deals with the preparation to commit dacoity. The preparatory acts under Section 399 might not always constitute an "attempt" as defined under Section 511.  
  
  
\*\*Illustrative Example:\*\*  
  
Five individuals assemble in a secluded location. They discuss their plan to rob a bank, assign roles, and distribute weapons. They are apprehended by the police before they can proceed to the bank. They are liable for punishment under Section 399 as they made preparations to commit dacoity.  
  
  
\*\*Conclusion:\*\*  
  
Section 399 of the IPC serves as a crucial preventive measure against the commission of dacoity. By criminalizing the preparatory acts themselves, the law aims to disrupt the planning and execution of this serious crime and protect society from the potential harm it poses. Understanding the essential ingredients and implications of Section 399 is vital for effective law enforcement and the maintenance of public order.