# IPC Section 402: Assembling for purpose of committing dacoity.

## Section 402 of the Indian Penal Code: Assembling for the Purpose of Committing Dacoity  
  
Section 402 of the Indian Penal Code (IPC) criminalizes the act of assembling for the purpose of committing dacoity. This provision recognizes the inherent danger posed by groups gathering with the intention of engaging in this serious crime and aims to prevent dacoity by intervening at the stage of assembly. This essay will analyze the various aspects of Section 402, exploring its definition, essential ingredients, punishment, relationship with other related sections, and relevant judicial pronouncements.  
  
\*\*Definition and Ingredients of Section 402:\*\*  
  
Section 402 states: "Whoever assembles for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine."  
  
Breaking down this section, the essential ingredients for establishing an offense under Section 402 are:  
  
1. \*\*Assembly:\*\* The core element of this offense is the act of "assembling." This refers to the gathering of five or more persons at a particular place. The assembly must be physical and involve the presence of the individuals at the same location. Mere communication or agreement to commit dacoity without a physical gathering does not constitute an assembly under this section.  
  
2. \*\*Purpose of Committing Dacoity:\*\* The assembly must be for the specific "purpose of committing dacoity." Dacoity, as defined under Section 391 of the IPC, involves five or more persons conjointly committing or attempting to commit robbery. Robbery, in turn, is defined under Section 390 and involves the dishonest taking of property with the intention of causing wrongful loss, accompanied by putting a person in fear of instant hurt or death or of instant wrongful restraint. The prosecution must establish that the individuals assembled with the shared intention of committing dacoity, as defined under Section 391. This requires demonstrating a clear nexus between the assembly and the planned dacoity.  
  
3. \*\*Common Intention:\*\* While not explicitly stated in the section, judicial interpretation has established the requirement of a "common intention" among the assembled individuals to commit dacoity. This means that each person present at the assembly must be aware of the shared purpose of committing dacoity and must willingly participate in the gathering with that intention. Mere presence at the assembly without knowledge of or agreement with the intended dacoity is insufficient to attract liability under Section 402.  
  
  
\*\*Punishment under Section 402:\*\*  
  
Section 402 prescribes rigorous imprisonment for a term which may extend to seven years, along with a fine. The punishment's severity reflects the legislature's intention to deter individuals from assembling for the purpose of committing dacoity and to prevent this serious crime from taking place.  
  
\*\*Distinction between Section 402 and Related Sections:\*\*  
  
Section 402 needs to be distinguished from other related sections:  
  
\* \*\*Section 391 (Definition of Dacoity):\*\* Section 402 deals with \*assembling\* for the purpose of committing dacoity, while Section 391 defines the offense of dacoity itself.  
  
\* \*\*Section 395 (Punishment for Dacoity):\*\* This section prescribes the punishment for the \*commission\* of dacoity, whereas Section 402 focuses on the preceding stage of assembly.  
  
\* \*\*Section 399 (Making preparation to commit dacoity):\*\* While there may be some overlap, Section 399 focuses on the \*preparatory acts\* for dacoity, which can include assembling a group, but it is not limited to that. Section 402 specifically targets the act of \*assembling\* with the shared intention to commit dacoity.  
  
\* \*\*Section 141 (Unlawful Assembly):\*\* This section deals with unlawful assemblies in general, while Section 402 focuses specifically on assemblies formed for the purpose of committing dacoity. An assembly under Section 402 would necessarily be an unlawful assembly under Section 141.  
  
\* \*\*Section 149 (Every member of unlawful assembly guilty of offence committed in prosecution of common object):\*\* This section deals with the liability of members of an unlawful assembly for offenses committed in prosecution of the common object. If dacoity is committed following an assembly under Section 402, the individuals involved would also be liable under Section 149.  
  
\*\*Judicial Pronouncements on Section 402:\*\*  
  
Several judicial pronouncements have shaped the interpretation of Section 402. Courts have emphasized the need to prove the specific purpose of committing dacoity and the common intention among the assembled individuals. They have also clarified that mere presence at the assembly without knowledge of or agreement with the planned dacoity is insufficient to attract liability.  
  
\*\*Conclusion:\*\*  
  
Section 402 of the IPC plays a crucial role in preventing dacoity by criminalizing the act of assembling for that purpose. By prescribing a substantial punishment, it aims to deter individuals from forming such assemblies and to enable law enforcement agencies to intervene before the crime takes place. Understanding the ingredients, application, and judicial interpretation of this section is essential for effective crime prevention and the proper administration of criminal justice.