# IPC Section 428: Mischief by killing or maiming animal of the value of ten rupees.

## IPC Section 428: Mischief by Killing or Maiming Animal of the Value of Ten Rupees  
  
Section 428 of the Indian Penal Code (IPC) addresses a specific form of mischief that involves the killing or maiming of an animal valued at ten rupees or more. This section recognizes the economic and often sentimental value of animals and provides a specific legal remedy for their wrongful harm. It's important to note that, like Section 427, the monetary threshold in Section 428 ("ten rupees") has been subject to amendments in various states. Therefore, consulting the relevant state amendment to ascertain the current monetary threshold is crucial. For this explanation, we will adhere to the original wording of "ten rupees" while acknowledging this important caveat.  
  
\*\*Understanding the Elements of Section 428\*\*  
  
To secure a conviction under Section 428, the prosecution must prove the following elements beyond a reasonable doubt:  
  
1. \*\*Killing or Maiming of an Animal:\*\* The accused must have either killed or maimed an animal. "Killing" refers to causing the death of the animal. "Maiming" signifies inflicting serious physical injury that renders the animal permanently disabled or significantly impairs its usefulness or value. It encompasses injuries that cause lasting impairment, not just temporary harm.  
  
2. \*\*Animal of the Value of Ten Rupees or Upwards:\*\* The animal killed or maimed must be valued at ten rupees or more. This monetary threshold distinguishes this section from cases of minor harm to less valuable animals, which might be addressed under the general mischief provision (Section 425) or through other legal remedies. The value is typically determined based on the market value of the animal at the time of the offence, considering factors like its breed, age, training, and usefulness.  
  
3. \*\*Intention or Knowledge:\*\* The accused must have acted with the intention to cause wrongful loss or damage to the public or any person, or with the knowledge that they are likely to cause such wrongful loss or damage. This means the accused must have either intended to harm the animal or known that their actions were likely to kill or maim it. Accidental harm or negligence, even if it results in the death or maiming of an animal, would not suffice for this section. The prosecution must establish the accused's awareness of the potential consequences of their actions.  
  
\*\*Determining the Value of the Animal:\*\*  
  
Ascertaining the value of the animal is crucial for applying Section 428. The following considerations are typically relevant:  
  
\* \*\*Market Value:\*\* The primary factor is the animal's prevailing market price at the time of the offence, considering its breed, age, health, and any special training.  
\* \*\*Utility Value:\*\* The animal's usefulness to its owner, especially in agricultural or commercial contexts, can also be considered. For instance, a working animal like a bullock or a horse might have a higher value due to its contribution to the owner's livelihood.  
\* \*\*Sentimental Value:\*\* While sentimental value is not the primary determinant, it might be considered in certain circumstances, especially when dealing with pets or animals with a special significance to the owner.  
\* \*\*Expert Evidence:\*\* In cases involving rare or specialized animals, expert opinions from veterinarians or animal appraisers might be necessary to determine their value.  
  
  
\*\*Punishment under Section 428:\*\*  
  
Section 428 prescribes imprisonment of either description for a term which may extend to two years, or with fine, or with both. This is a more severe punishment than that for simple mischief under Section 426. The enhanced penalty reflects the gravity of killing or maiming an animal, recognizing its value and the potential economic and emotional impact on the owner.  
  
\*\*Distinction between Section 428 and other related sections:\*\*  
  
\* \*\*Section 425 (Mischief):\*\* Section 425 provides the general definition of mischief, while Section 428 addresses a specific form of mischief targeting animals.  
  
\* \*\*Section 426 (Punishment for mischief):\*\* Section 426 prescribes the punishment for simple mischief, while Section 428 provides a more stringent penalty for the killing or maiming of valuable animals.  
  
\* \*\*Section 429 (Mischief by killing or maiming cattle, etc., of value of fifty rupees):\*\* Section 429 addresses the killing or maiming of cattle or other specified animals with a higher value threshold (fifty rupees) and carries a more severe punishment. If the animal killed or maimed falls under the definition of "cattle" or other specified animals in Section 429 and its value is fifty rupees or more, then Section 429 would apply instead of Section 428.  
  
\* \*\*Section 427 (Mischief causing damage to the amount of fifty rupees):\*\* While both sections deal with mischief causing a certain monetary loss, Section 427 focuses on property in general, while Section 428 specifically targets the killing or maiming of animals.  
  
  
\*\*Illustrations of Section 428:\*\*  
  
\* \*\*A poisons B's dog, worth 50 rupees, out of spite.\*\* This act would fall under Section 428.  
\* \*\*C shoots D's prized racing pigeon, worth 20 rupees, knowing it will likely kill the bird.\*\* This also falls under Section 428.  
\* \*\*E sets fire to F's stable, killing several horses worth thousands of rupees.\*\* While this might qualify under Section 428, it would more appropriately fall under Section 435 (mischief by fire or explosive substance with intent to cause damage to an amount of one hundred or ten thousand rupees) or Section 429 (if the horses qualify as "cattle" under the definition in that section), which carry harsher penalties.  
  
  
\*\*In Conclusion:\*\*  
  
Section 428 of the IPC serves as a crucial provision for protecting animals from intentional harm and holding perpetrators accountable. It recognizes the economic and often sentimental value of animals by providing a specific offence and punishment for their killing or maiming. Understanding the elements of Section 428, including the accurate assessment of the animal's value, and its relationship with other related sections is essential for legal professionals, law enforcement, animal welfare organizations, and the public to effectively address animal cruelty and ensure appropriate legal consequences. It's crucial to remember the importance of verifying the applicable monetary threshold specified in the relevant state amendment.