

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Bharatiya Nyaya Sanhita, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of the Sanhita. Short title, commencement and application. AS INTRODUCED IN LOK SABHA
Bill No. 121 of 2023

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(3) Every person shall be liable to punishment under this Sanhita and not otherwise for

every act or omission contrary to the provisions thereof, of which he shall be guilty within India.

(4) Any person liable, by any law for the time being in force in India, to be tried for an

offence committed beyond India shall be dealt with according to the provisions of this Sanhita for any act committed beyond India in the same manner as if such act had been committed within India.

(5) The provisions of this Sanhita apply also to any offence committed by—

(a) any citizen of India in any place without and beyond India;

(b) any person on any ship or aircraft registered in India wherever it may be;

(c) any person in any place without and beyond India committing offence targeting

a computer resource located in India.

Explanation.— In this section the word "offence" includes every act committed outside

India which, if committed in India, would be punishable under this Sanhita.

Illustration.

A, who is a citizen of India, commits a murder in any place without and beyond India,

he can be tried and convicted of murder in any place in India in which he may be found.

(6) Nothing in this Sanhita shall affect the provisions of any Act for punishing mutiny

and desertion of officers, soldiers, sailors or airmen in the service of the Government of India or the provisions of any special or local law.

2. In this Sanhita unless the context otherwise requires,—

(1) "act" as well a series of acts as a single act;

(2) "animal" means any living creature, other than a human being;

(3) "counterfeit".—A person is said to "counterfeit" who causes one thing to

resemble another thing, intending by means of that resemblance to practice deception, or knowing it to be likely that deception will thereby be practised.

Explanation 1.—It is not essential to counterfeiting that the imitation should be exact.

Explanation 2.—When a person causes one thing to resemble another thing, and the

resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the one thing to resemble the other thing intended by means of that resemblance to

practise deception or knew it to be likely that deception would thereby be practised;

(4) "Court" means a Judge who is empowered by law to act judicially alone, or a

body of Judges, which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially;

(5) "death" means the death of a human being unless the contrary appears from the context;

(6) "dishonestly" means doing of an act with the intention of causing wrongful

gain to one person or wrongful loss to another person;

(7) "document" means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter.

Explanation 1.—It is immaterial by what means or upon what substance the letters,

figures or marks are formed, or whether the evidence is intended for, or may be used in a Court or not.

Definitions.

(a) A writing expressing the terms of a contract, which may be used as evidence

of the contract, is a document.

(b) A cheque upon a banker is a document.

(c) A power-of-attorney is a document.

(d) A Map or plan which is intended to be used or which may be used as evidence, is a document.

(e) A writing containing directions or instructions is a document.

Explanation 2.—Whatever is expressed by means of letters, figures or marks as

explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.

Illustration.

A writes his name on the back of a bill of exchange payable to his order. The

meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and shall be construed in the same manner as if the words "pay to the holder" or words to that effect had been written over the signature.

(8) "fraudulently".—A person is said to do a thing fraudulently if he does that

thing with intent to defraud but not otherwise.

(9) "gender".—the pronoun "he" and its derivatives are used of any person, whether male, female or transgender.

Explanation .— "transgender" shall have the meaning assigned to it in clause

(k) of section 2 of the Transgender Persons (Protection of Rights) Act, 2019;

(10) "good faith".—Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention;

(11) "Government" means the Central Government or a State Government;

(12) "harbour".—except as otherwise provided in this Sanhita, includes the

supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this section or not, to evade apprehension;

(13) "injury" means any harm whatever illegally caused to any person, in body, mind, reputation or property;

(14) "illegal"—"legally bound to do". —The word "illegal" is applicable to

everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be "legally bound to do" whatever it is illegal in him to omit;

(15) "Judge" means a person who is officially designated as a Judge and includes

a person,—

(i) who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive; or

(ii) who is one of a body or persons, which body of persons is empowered by law to give such a judgment.

Illustration.

A Magistrate exercising jurisdiction in respect of a charge on which he has

power to sentence to fine or imprisonment, with or without appeal, is a Judge;

(16) "life" means the life of a human being, unless the contrary appears from the context;

(17) "local law" means a law applicable only to a particular part of India;

(18) "man" means male human being of any age;

(19) "mental illness" shall have the meaning assigned to it in clause (a) of

section 2 of the Mental Healthcare Act, 2017;

(20) "month" and "year".—Wherever the word "month" or the word "year" is

used, it is to be understood that the month or the year is to be reckoned according to the Gregorian calendar;

(21) "movable property" includes property of every description, except land

and things attached to the earth or permanently fastened to anything which is attached to the earth;

(22) "number". —Unless the contrary appears from the context, words importing

the singular number include the plural number, and words importing the plural number include the singular number;

(23) "oath" includes a solemn affirmation substituted by law for an oath, and

any declaration required or authorised by law to be made before a public servant or to be used for the purpose of proof, whether in a Court or not;

(24) "offence".—Except in the Chapters and sections mentioned in sub-clauses

(a) and (b) the word "offence" means an act made punishable by this Sanhita, but--

(a) in Chapter III and in the following sections, namely, sub-sections (2),

(3), (4) and (5) of section 8, sections 10, 46, 47, 48, 51, 53, 54, 55, 56, 57, 61, 113,

114, 117, sub-sections (7) and (8) of section 125, 217, 224, 225, 234, 242, 244,

245, 253, 254, 255, 256, 257, sub-sections (6) and (7) of section 306 and clause

(b) of section 324, the word "offence" means a thing punishable under this Sanhita, or under any special law or local law; and

(b) in sections 183, 205, 206, 232, 233, 243, 247 and 323 the word "offence"

shall have the same meaning when the act punishable under the special law or local law is punishable under such law with imprisonment for a term of six months or more, whether with or without fine;

(25) "omission" means single omission as well as a series of omissions;

(26) "person" includes any company or association or body of persons, whether

incorporated or not;

(27) "public" includes any class of the public or any community;

(28) "public servant" means a person falling under any of the descriptions,

namely: —

(a) every commissioned officer in the Army, Navy or Air Force;

(b) every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;

(c) every officer including a liquidator, receiver or commissioner whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to

interpret, or to preserve order in the Court, and every person specially authorised to perform any of such duties;

(d) every assessor or member of a panchayat assisting a Court or public servant;

(e) every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court, or by any other competent public authority;

(f) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

(g) every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

(h) every officer whose duty it is as such officer, to take, receive, keep or

expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report, on any matter

affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infringement of any law for the protection of the pecuniary interests of the Government;

(i) every officer whose duty it is, as such officer, to take, receive, keep or

expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

(j) every person who holds any office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

(k) every person—

(i) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;

(ii) in the service or pay of a local authority as defined in clause (31) of section 3 of the General Clauses Act, 1897, a corporation established by or under a Central or State Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013.

Explanation.—

(a) persons falling under any of the descriptions made in this clause are public servants, whether appointed by the Government or not;

(b) every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation is a public servant;

(c) "election" means an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of election to which is by, or under any law for the time being in force.

Illustration .

A Municipal Commissioner is a public servant; 10 of 1897.

18 of 2013.5

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(29) "reason to believe".—A person is said to have "reason to believe" a thing,

if he has sufficient cause to believe that thing but not otherwise;

(30) "special law" means a law applicable to a particular subject;

(31) "valuable security" means a document which is, or purports to be, a document where by any legal right is created, extended, transferred, restricted, extinguished or released, or where by any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration.

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security";

(32) "vessel" means anything made for the conveyance by water of human beings or of property;

(33) "voluntarily" A person is said to cause an effect "voluntarily" when he

causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

Illustration .

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery and thus causes the death of a person. Here, A may not have intended to cause death; and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily;

(34) "will" means any testamentary document;

(35) "woman" means a female human being of any age;

(36) "wrongful gain" means gain by unlawful means of property to which the person gaining is not legally entitled;

(37) "wrongful loss" means the loss by unlawful means of property to which the person losing it is legally entitled;

(38) "gaining wrongfully", "losing wrongfully".—A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property; and

(39) words and expressions used but not defined in this Sanhita but defined in

the Information Technology Act, 2000 and the Bhartiya Nagarik Suraksha Sanhita, 2023 and shall have the meanings respectively assigned to them in that Act Sanhita.

3. (1) Throughout this Sanhita every definition of an offence, every penal provision,

and every Illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled "General Exceptions", though those exceptions are not repeated in such definition, penal provision, or Illustration.

Illustrations.

(a) The sections, in this Sanhita which contain definitions of offences, do not

express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a police-officer, without warrant, apprehends Z, who has committed murder.

Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it".

General Explanations and expressions. 21 of 2000.5

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(2) Every expression which is explained in any Part of this Sanhita, is used in every Part

of this Sanhita in conformity with the explanation.

(3) When property is in the possession of a person's spouse, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Sanhita.

Explanation.— A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this sub-section.

(4) In every Part of this Sanhita, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

(5) When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

(6) Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

(7) Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

Illustration .

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

(8) When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence. Illustrations.

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B administer the poison according to the agreement with intent to murder Z. Z dies from the effects of the several doses of poison so administered to him. Here A and B intentionally cooperate in the commission of murder and as each of them does an act by which the death is caused, they are both guilty of the offence though their acts are separate.

(b) A and B are joint jailors, and as such have the charge of Z, a prisoner, alternatively for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(c) A, a jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is

likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder, but, as A did not co-operate with B. A is guilty only of an attempt to commit murder.

(9) Where several persons are engaged or concerned in the commission of a criminal

act, they may be guilty of different offences by means of that act.

Illustration .

A attacks Z under such circumstances of grave provocation that his killing of Z would

be only culpable homicide not amounting to murder. B, having ill-will towards Z and intending

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to kill him, and not having been subject to the provocation, assists A in killing Z. Here,

though A and B are both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide. CHAPTER XII

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F OFFENCES BY OR RELATING TO PUBLIC SERVANTS

196. Whoever, being a public servant, knowingly disobeys any direction of the law as

to the way in which he is to conduct himself as such public servant, intending to cause, or

knowing it to be likely that he will by such disobedience, cause injury to any person, shall be

punished with simple imprisonment for a term which may extend to one year, or with fine, or

with both. Imputations, assertions

prejudicial to national integration.

Public servant

disobeying law, with intent to cause injury to

any person. 5

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Illustration.

A, being an officer directed by law to take property in execution, in order to satisfy a

decree pronounced in Z's favour by a Court, knowingly disobeys that direction of law, with

the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

197. Whoever, being a public servant,—

(a) knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter; or

(b) knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation; or

(c) fails to record any information given to him under sub-section (1) of section 174 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in relation to cognizable

offence punishable under section 64, section 65 section 66, section 67, section 68,

section 71, section 73, section 76, section 122 or section 141 or section 142,

shall be punished with rigorous imprisonment for a term which shall not be less than

six months but which may extend to two years, and shall also be liable to fine.

198. Whoever, being in charge of a hospital, public or private, whether run by the

Central Government, the State Government, local bodies or any other person, contravenes

the provisions of section 449 of the Bharatiya Nagarik Suraksha Sanhita, 2023, shall be

punished with imprisonment for a term which may extend to one year or with fine or with

both.

199. Whoever, being a public servant, and being, as such public servant, charged with

the preparation or translation of any document or electronic record, frames, prepares or

translates that document or electronic record in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause

injury to any person, shall be punished with imprisonment of either description for a term

which may extend to three years, or with fine, or with both.

200. Whoever, being a public servant, and being legally bound as such public servant

not to engage in trade, engages in trade, shall be punished with simple imprisonment for a

term which may extend to one year, or with fine, or with both or with community service.

201. Whoever, being a public servant, and being legally bound as such public servant,

not to purchase or bid for certain property, purchases or bids for that property, either in his

own name or in the name of another, or jointly, or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both; and the property, if purchased, shall be confiscated.

202. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to three years and with fine.

203. Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both. Public servant disobeying direction under law.

Punishment

for non-treatment of victim.

Public servant

framing an

incorrect

document with intent to cause

injury.

Public servant

unlawfully

engaging in

trade.

Public servant

unlawfully

buying or

bidding for

property.

Personating a

public servant.

Wearing garb

or carrying

token used by

public servant

with fraudulent

intent.5

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OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

204. Whoever absconds in order to avoid being served with a summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order,--

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) where such summons or notice or order is to attend in person or by agent, or to produce a document or an electronic record in a Court shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

205. Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, or intentionally prevents the lawful affixing to any place of any such summons, notice or order or intentionally removes any such summons, notice or order from any place to which it is lawfully affixed or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made,--

(a) shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees, or with both;

(b) where the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document or electronic record in a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

206. Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order, or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time or departs from the place where he is bound to attend before the time at which it is lawful for him to depart,--

(a) shall be punished with simple imprisonment for a term which may extend to

one month, or with fine which may extend to five thousand rupees, or with both;

(b) where the summons, notice, order or proclamation is to attend in person or by agent in a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

Illustrations.

(a) A, being legally bound to appear before a High Court, in obedience to a

subpoena issuing from that Court, intentionally omits to appear. A has committed the offence defined in this section.

(b) A, being legally bound to appear before a District Judge, as a witness, in

obedience to a summons issued by that District Judge intentionally omits to appear. A has committed the offence defined in this section.

207. Whoever fails to appear at the specified place and the specified time as required

by a proclamation published under sub-section (1) of section 84 of the Bhartiya Nagarik

Suraksha Sanhita, 2023

shall be punished with imprisonment for a term which may extend to three years or with fine or with both or with community service, and where a declaration has been made under sub-section (4) of that section pronouncing him as a proclaimed offender,

he shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine. Absconding to

avoid service

of summons or

other

proceeding.

Preventing

service of

summons or

other

proceeding, or

preventing publication

thereof.

Non-

attendance in

obedience to

an order from

public servant.

Non-

appearance in

response to a

proclamation

under section 82 of Bhartiya

Nagarik

Suraksha

Sanhita 2023.5

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208. Whoever, being legally bound to produce or deliver up any document or electronic

record to any public servant, as such, intentionally omits so to produce or deliver up the same,--

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) and where the document or electronic record is to be produced or delivered up to a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both. Illustration.

A, being legally bound to produce a document before a District Court, intentionally omits to produce the same. A has committed the offence defined in this section.

209. Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law,--

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) where the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both;

(c) where the notice or information required to be given is required by an order passed under section 447 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with

imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

210. Whoever, being legally bound to furnish information on any subject to any

public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false,--

(a) shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both;

(b) where the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender,

with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations.

(a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.

(b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, residing in an adjoining place, and being section 28 of the

Bhartiya Nagarik Suraksha Sanhita, 2023 to give early and punctual information of the above fact to the officer of the nearest police-station, wilfully misinforms the police officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in the latter part of this section.

Omission to produce document to public servant by person legally bound to produce it.

Omission to give notice or information to public servant by person legally bound to give it.

Furnishing false information.

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Explanation .—In section 209 and in this section the word “offence” include any act

committed at any place out of India, which, if committed in India, would be punishable under any of the following sections, namely, 97, 99, 172, 173, 174, 175, 301, clauses (b) to

(d) of section 303, sections 304, 305, 306, 320, 325 and 326 and the word “offender”

includes any person who is alleged to have been guilty of any such act.

211. Whoever refuses to bind himself by an oath or affirmation to state the truth,

when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

212. Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

213. Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to three thousand rupees, or with both.

214. Whoever, being legally bound by an oath or affirmation to state the truth on any subject to any public servant or other person authorised by law to administer such oath or affirmation, makes, to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

215. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant—

(a) to do or omit anything which such public servant ought not to do or omit

if the true state of facts respecting which such information is given were known by him; or

(b) to use the lawful power of such public servant to the injury or annoyance

of any person,

shall be punished with imprisonment of either description for a term which may extend to

one year, or with fine which may extend to ten thousand rupees, or with both.

Illustrations.

(a) A informs a Magistrate that Z, a police-officer, subordinate to such Magistrate,

has been guilty of neglect of duty or misconduct, knowing such information to be false,

and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

(b) A falsely informs a public servant that Z has contraband salt in a secret place,

knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section. Refusing oath or affirmation when duly required by public servant to make it. Refusing to answer public servant authorised to question. Refusing to sign statement. False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation. False information, with intent to cause public servant to use his lawful power to the injury of another person. 5

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(c) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section. 216. Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both. 217. Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of

either description for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

218. Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

219. Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two thousand five hundred rupees, or with both.

220. Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance,--

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two thousand five hundred rupees, or with both;

(b) and where such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court or of preventing the commission of an offence, or suppressing a riot, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

221. Whoever, knowing that, by an order promulgated by a public servant lawfully

empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction,--

(a) shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to two thousand five hundred rupees, or with both; Resistance to

the taking of property by the lawful authority of a public servant.
Obstructing
sale of property offered for sale by authority of public servant.
Illegal purchase
or bid for property offered for sale by authority of public servant.
Obstructing
public servant in discharge of public functions.
Omission to
assist public servant when bound by law to give assistance.
Disobedience
to order duly promulgated by public servant. 5

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(b) and where such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to one year, or

with fine which may extend to five thousand rupees, or with both.

Explanation. —It is not necessary that the offender should intend to produce harm,

or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of

the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration.

An order is promulgated by a public servant lawfully empowered to promulgate

such order, directing that a religious procession shall not pass down a certain street. A

knowingly disobeys the order, and thereby causes danger of riot. A has committed the

offence defined in this section.

222. Whoever holds out any threat of injury to any public servant, or to any person

in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the

exercise of the public functions of such public servant, shall be punished with imprisonment

of either description for a term which may extend to two years, or with fine, or with both.

223. Whoever holds out any threat of injury to any person for the purpose of

inducing that person to refrain or desist from making a legal application for protection

against any injury to any public servant legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

224. Whoever attempts to commit suicide with the intent to compel or restrain any public servant from discharging his official duty shall be punished with simple imprisonment for a term which may extend to one year or with fine or with both or with community service.

CHAPTER XIV

O

F FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

225. Whoever, being legally bound by an oath or by an express provision of law to

state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not

believe to be true, is said to give false evidence.

Explanation 1.—A statement is within the meaning of this section, whether it is

made verbally or otherwise.

Explanation 2.—A false statement as to the belief of the person attesting is within

the meaning of this section, and a person may be guilty of giving false evidence by

stating that he believes a thing which he does not believe, as well as by stating that he

knows a thing which he does not know.

Illustrations.

(a) A, in support of a just claim which B has against Z for one thousand rupees,

falsely swears on a trial that he heard Z admit the justice of B's claim.

A has given false

evidence.

Threat of injury to public servant.

Threat of

injury to induce person to refrain from applying for protection to public servant.

Attempt to

commit suicide to compel or restrain exercise of lawful power.

Giving false

evidence.

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(b) A, being bound by an oath to state the truth, states that he believes

a certain

signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

(c) A, knowing the general character of Z's handwriting, states that he believes a

certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(d) A, being bound by an oath to state the truth, states that he knows that Z was at

a particular place on a particular day, not knowing anything upon the subject. A gives

false evidence whether Z was at that place on the day named or not.

(e) A, an interpreter or translator, gives or certifies as a true interpretation or

translation of a statement or document which he is bound by oath to interpret or translate

truly, that which is not and which he does not believe to be a true interpretation or

translation. A has given false evidence.

226. Whoever causes any circumstance to exist or makes any false entry in any

book or record, or electronic record or makes any document or electronic record containing

a false statement, intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public

servant as such, or before an arbitrator, and that such circumstance, false entry or false

statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point

material to the result of such proceeding is said "to fabricate false evidence".

Illustrations.

(a) A puts jewels into a box belonging to Z, with the intention that they may be

found in that box, and that this circumstance may cause Z to be convicted of theft. A has

fabricated false evidence.

(b) A makes a false entry in his shop-book for the purpose of using it as corroborative

evidence in a Court. A has fabricated false evidence.

(c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes

a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in

such criminal conspiracy, and puts the letter in a place which he knows that the officers of

the police are likely to search. A has fabricated false evidence.

227. (1) Whoever intentionally gives false evidence in any of a judicial proceeding,

or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine which may extend to ten thousand rupees.

(2) Whoever intentionally gives or fabricates false evidence in any case other than that referred to in sub-section (1), shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine which may extend to five thousand rupees. Fabricating false evidence.

Punishment

for false evidence. 5

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Explanation 1.—A trial before a Court-martial is a judicial proceeding.

Explanation 2.—An investigation directed by law preliminary to a proceeding before

a Court is a stage of a judicial proceeding, though that investigation may not take place before a Court.

Illustration.

A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z

ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Explanation 3.—An investigation directed by a Court according to law, and conducted under the authority of a Court is a stage of a judicial proceeding, though that

investigation may not take place before a Court.

Illustration.

A, in an enquiry before an officer deputed by a Court to ascertain on the spot the

boundaries of land, makes on oath a statement which he knows to be false. As this

enquiry is a stage of a judicial proceeding, A has given false evidence.

228. (1) Whoever gives or fabricates false evidence, intending thereby to cause, or

knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by the law for the time being in force in India shall be punished

with imprisonment for life, or with rigorous imprisonment for a term which may extend to

ten years, and shall also be liable to fine which may extend to fifty thousand rupees.

(2) If an innocent person be convicted and executed in consequence of false

evidence referred in sub-section (1), the person who gives such false evidence shall be

punished either with death or the punishment hereinbefore described.

229. Whoever gives or fabricates false evidence intending thereby to cause, or

knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by the law for the time being in force in India is not capital, but punishable

with imprisonment for life, or imprisonment for a term of seven years or upwards, shall be

punished as a person convicted of that offence would be liable to be punished.

Illustration.

A gives false evidence before a Court intending thereby to cause Z to be convicted

of a dacoity. The punishment of dacoity is imprisonment for life, or rigorous imprisonment

for a term which may extend to ten years, with or without fine. A, therefore, is liable to imprisonment for life or imprisonment, with or without fine.

230. (1) Whoever threatens another with any injury to his person, reputation or

property or to the person or reputation of any one in whom that person is interested, with

intent to cause that person to give false evidence shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(2) If innocent person is convicted and sentenced in consequence of false evidence

referred to in sub-section (1), with death or imprisonment for more than seven years, the

person who threatens shall be punished with the same punishment and sentence in the

same manner and to the same extent such innocent person is punished and sentenced. Giving or

fabricating false evidence with intent to procure conviction of capital offence. Giving or

fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.

Threatening

any person to give false evidence. 5

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231. Whoever corruptly uses or attempts to use as true or genuine evidence any

evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

232. Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

233. Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

234. Whoever, in any declaration made or subscribed by him, which declaration any Court or any public servant or other person, is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

235. Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Explanation.— A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of section 234 and this section.

236. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false shall,—

(a) if the offence which he knows or believes to have been committed is punishable with death be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

(b) if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment for any term not extending to ten years, be punished with imprisonment of the description provided for the

offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

Illustration.

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

237. Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both. Using evidence known to be false.

Issuing or signing false certificate.

Using as true a certificate known to be false.

False

statement made in declaration which is by law receivable as evidence.

Using as true such declaration knowing it to be false.

Causing

disappearance of evidence of offence, or giving false information to screen offender.

Intentional

omission to give information of offence by person bound to inform. 5

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238. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to

be false, shall be punished with imprisonment of either description for a term which may

extend to two years, or with fine, or with both.

Explanation. -In sections 236 and 237 and in this section the word "offence"

includes any act committed at any place out of India, which, if committed in India, would be punishable under any of the following sections, namely, 97, 99, 172, 173, 174, 175, 301, 303, 304, 305, 306, 320, 325 and 326.

239. Whoever secretes or destroys any document or electronic record which he

may be lawfully compelled to produce as evidence in a Court or in any proceeding lawfully held before a public servant, as such, or obliterates or renders illegible the whole or any part of such document or electronic record with the intention of preventing the same from being produced or

used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that

purpose, shall be punished with imprisonment of either description for a term which may

extend to three years, or with fine which may extend to five thousand rupees, or with both.

240. Whoever falsely personates another, and in such assumed character makes

any admission or statement, or confesses judgment, or causes any process to be issued or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three

years, or with fine, or with both.

241. Whoever fraudulently removes, conceals, transfers or delivers to any person

any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a Court or other competent authority, or from being taken in execution of a decree or order which has

been made, or which he knows to be likely to be made by a Court in a civil suit, shall be

punished with imprisonment of either description for a term which may extend to three years or with fine which may extend to five thousand rupees, or with both.

242. Whoever fraudulently accepts, receives or claims any property or any interest

therein, knowing that he has no right or rightful claim to such property or interest, or practices any deception touching any right to any property or any interest therein,

intending thereby to prevent that property or interest therein from being taken as a forfeiture

or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

243. Whoever fraudulently causes or suffers a decree or order to be passed against

him at the suit of any person for a sum not due or for a larger sum than is due to such person or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with

fine, or with both. Giving false information respecting an offence committed.

Destruction of

document to prevent its production as evidence.

False

personation for purpose of fact or proceeding in suit or prosecution.

Fraudulent

removal or concealment of property to prevent its seizure as forfeited or in execution.

Fraudulent

claim to property to prevent its seizure as forfeited or in execution.

Fraudulently

suffering decree for sum not due.5

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Illustration.

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against

him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of

B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made

under A's decree. Z has committed an offence under this section.

244. Whoever fraudulently or dishonestly, or with intent to injure or annoy any

person, makes in a Court any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

245. Whoever fraudulently obtains a decree or order against any person for a sum

not due, or for a larger sum than is due or for any property or interest in property to which

he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied or for anything in respect of which it has been satisfied,

or fraudulently suffers or permits any such act to be done in his name, shall be punished

with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

246. Whoever, with intent to cause injury to any person, institutes or causes to be

instituted any criminal proceeding against that person, or falsely charges any person with

having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person,—

(a) shall be punished with imprisonment of either description for a term which

may extend to five years, or with fine which may extend to two lakh rupees, or with

both;

(b) if such criminal proceeding be instituted on a false charge of an offence

punishable with death, imprisonment for life, or imprisonment for ten years or upwards, shall be punishable with imprisonment of either description for a term which may

extend to ten years, and shall also be liable to fine.

247. Whenever an offence has been committed, whoever harbours or conceals a

person whom he knows or has reason to believe to be the offender, with the intention of

screening him from legal punishment shall,—

(a) if the offence is punishable with death, be punished with imprisonment of

either description for a term which may extend to five years, and shall also be liable

to fine;

(b) if the offence is punishable with imprisonment for life, or with imprisonment

which may extend to ten years, be punished with imprisonment of either description

for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment which may extend to one year, and not to ten years, be punished with imprisonment of the description provided

for the offence for a term which may extend to one-fourth part of the longest term of

imprisonment provided for the offence, or with fine, or with both.

Explanation.-- "Offence" in this section includes any act committed at any place

out of India, which, if committed in India, would be punishable under any of the following sections, namely 97, 99, 172, 173, 174, 175, 301, 303, 304, 305, 306, 320, 325 and 326 and Dishonestly

making false claim in Court.

Fraudulently

obtaining decree for sum not due.

False charge

of offence made with intent to injure.

Harbouring

offender.5

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every such act shall, for the purposes of this section, be deemed to be punishable as if the

accused person had been guilty of it in India.

Exception .—This section shall not extend to any case in which the harbour or

concealment is by the spouse of the offender.

Illustration.

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to imprisonment for life, A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

248. Whoever accepts or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from

legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment shall,--

(a) if the offence is punishable with death, be punished with imprisonment of

either description for a term which may extend to seven years, and shall also be

liable to fine;

(b) if the offence is punishable with imprisonment for life, or with imprisonment

which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment not extending to ten years,

be punished with imprisonment of the description provided for the offence for a

term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

249. Whoever gives or causes, or offers or agrees to give or cause, any gratification

to any person, or restores or causes the restoration of any property to any person, in

consideration of that person's concealing an offence, or of his screening any person from

legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment shall,--

(a) if the offence is punishable with death, be punished with imprisonment of

either description for a term which may extend to seven years, and also be liable to

fine;

(b) if the offence is punishable with imprisonment for life or with imprisonment

which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment not extending to ten years,

be punished with imprisonment of the description provided for the offence for a

term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

250. Whoever takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any movable property of which he shall have been deprived by any offence punishable under this Sanhita , shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of theTaking gift, etc., to screenan offenderfrompunishment. Offering gift or restorationof property inconsiderationof screeningoffender. Taking gift to help torecover stolenproperty, etc.5

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offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

251. Whenever any person convicted of or charged with an offence, being in lawful

custody for that offence, escapes from such custody, or whenever a public servant, in theexercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension,

harbours or conceals that person with the intention of preventing him from beingapprehended, shall be punished in the manner following, namely:--

(a) if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of

either description for a term which may extend to seven years, and shall also be liable to fine;

(b) if the offence is punishable with imprisonment for life or imprisonment for

ten years, he shall be punished with imprisonment of either description for a term

which may extend to three years, with or without fine;

(c) if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punished with imprisonment of the descriptionprovided for the offence for a term which may extend to one-fourth part of the

longest term of the imprisonment provided for such offence, or with fine, or with both.

Explanation.-- "Offence" in this section includes also any act or omission of which

a person is alleged to have been guilty out of India, which, if he had been guilty of it inIndia, would have been punishable as an offence, and for which he is, under any law

relating to extradition, or otherwise, liable to be apprehended or detained in custody in

India, and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in India.

Exception .-The provision does not extend to the case in which the harbour or

concealment is by the spouse of the person to be apprehended.

252. Whoever, knowing or having reason to believe that any persons are about to

commit or have recently committed robbery or dacoity, harbours them or any of them, with

the intention of facilitating the commission of such robbery or dacoity, or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a

term which may extend to seven years, and shall also be liable to fine.

Explanation. -For the purposes of this section it is immaterial whether the robbery

or dacoity is intended to be committed, or has been committed, within or without India.

Exception.- This section does not extend to the case in which the harbour is by the

spouse of the offender.

253. Whoever, being a public servant, knowingly disobeys any direction of the law

as to the way in which he is to conduct himself as such public servant, intending thereby

to save, or knowing it to be likely that he will thereby save, any person from legal

punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to

save, any property from forfeiture or

any charge to which it is liable by law, shall be punished with

imprisonment of either

description for a term which may extend to two years, or with fine, or

with both. Harbours

offender who has escaped from custody or whose apprehension has been ordered.

Penalty for

harbouring robbers or dacoits.

Public servant

disobeying direction of law with intent to save person from punishment

or property from forfeiture. 5

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254. Whoever, being a public servant, and being as such public servant, charged

with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause,

or knowing it to be likely that

he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

255. Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

256. Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

257. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished,--

(a) with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with death; or

(b) with imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for life or imprisonment for a term which may extend to ten years; or

(c) with imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for a term less than ten years.

258. Whoever, being a public servant, legally bound as such public servant to

apprehend or to keep in confinement any person under sentence of a Court for any offence or lawfully committed to custody, intentionally omits to apprehend such person, or intentionally suffers such person to escape or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished,—
(a) with imprisonment for life or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death; or Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture.
Public servant in judicial proceeding corruptly making report, etc., contrary to law.
Commitment for trial or confinement by person having authority who knows that he is acting contrary to law.
Intentional omission to apprehend on the part of public servant bound to apprehend.
Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed.5

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(b) with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement or who ought to have been apprehended, is subject, by a sentence of a Court or by virtue of a commutation of such sentence, to imprisonment for life or imprisonment for a term of ten years, or upwards; or

(c) with imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement or who ought to have been apprehended is subject by a sentence of a Court to imprisonment for a term not extending to ten years or if the person was lawfully committed to custody.

259. Whoever, being a public servant legally bound as such public servant to keep in confinement any person charged with or convicted of any offence or lawfully committed to custody, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

260. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. -The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

261. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence,-

(a) shall be punished with imprisonment of either description for a term which

may extend to two years, or with fine, or with both;

(b) if the person to be apprehended, or the person rescued or attempted to be

rescued, is charged with or liable to be apprehended for an offence punishable with

imprisonment for life or imprisonment for a term which may extend to ten years, shall

be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the person to be apprehended, or rescued, or attempted to be rescued,

is charged with or liable to be apprehended for an offence punishable with death,

shall be punished with imprisonment of either description for a term which may

extend to seven years, and shall also be liable to fine;

(d) if the person to be apprehended or rescued, or attempted to be rescued, is

liable under the sentence of a Court or by virtue of a commutation of such a sentence, to imprisonment for life, or imprisonment, for a term of ten years, or upwards, shall

be punished with imprisonment of either description for a term which may extend to

seven years, and shall also be liable to fine;

(e) if the person to be apprehended or rescued, or attempted to be rescued, is

under sentence of death, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to

fine.

Resistance or obstruction by a person to his lawful apprehension. Escape from confinement or custody negligently suffered by public servant.

Resistance or

obstruction to lawful apprehension of another person. 5

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262. Whoever, being a public servant legally bound as such public servant to

apprehend, or to keep in confinement, any person in any case not provided for in section 257, section 258 or section 259, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished—

(a) if he does so intentionally, with imprisonment of either description for a term

which may extend to three years, or with fine or with both; and

(b) if he does so negligently, with simple imprisonment for a term which may

extend to two years, or with fine, or with both.

263. Whoever, in any case not provided for in section 260 or section 261 or in any

other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

264. Whoever, having accepted any conditional remission of punishment, knowingly

violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced, if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

265. Whoever intentionally offers any insult, or causes any interruption to any public

servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

266. Whoever, by personation or otherwise, shall intentionally cause, or knowingly

suffer himself to be returned, empanelled or sworn as an assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled or sworn, or knowing himself to have been so returned, empanelled or sworn contrary to law, shall voluntarily serve on such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

267. Whoever, having been charged with an offence and released on bail or on bond

without sureties, fails without sufficient cause (the burden of proving which shall lie upon him), to appear in court in accordance with the terms

of the bail or bond, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Explanation.— The punishment under this section is—

- (a) in addition to the punishment to which the offender would be liable on a conviction for the offence with which he has been charged; and
- (b) without prejudice to the power of the court to order forfeiture of the bond.

CHAPTER XV

O

F OFFENCES AFFECTING THE PUBLIC HEALTH , SAFETY , CONVENIENCE , DECENCY AND MORALS

268. A person is guilty of a public nuisance who does any act or is guilty of an illegal

omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right but a common nuisance is not excused on the ground that it causes some convenience or advantage. Omission to

apprehend, or sufferance of

escape, on

part of public

servant, in

cases not

otherwise,

provided for.

Resistance or

obstruction to

lawful

apprehension

or escape or

rescue in cases

not otherwise

provided for.

Violation of

condition of

remission of

punishment.

Intentional

insult or

interruption

to public

servant sitting

in judicial

proceeding.

Personation

of an assessor.

Failure by

person

released on

bail or bond to

appear in
court.
Public
nuisance.5

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269. Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

270. Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

271. Whoever knowingly disobeys any rule made by the Government for putting any mode of transport into a state of quarantine, or for regulating the intercourse of any such transport in a state of quarantine or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

272. Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

273. Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

274. Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

275. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees , or with both.

276. Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

277. Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees , or with both.

278. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with fine which may extend to one thousand rupees.

279. Whoever drives any vehicle, or rides, on any public way in a manner so rash or

negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees , or with both.

280. Whoever drives any vehicle, or rides, on any public way in a manner so rash or

negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees , or with both.

281. Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees , or with both.

282. Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees , or with both.

283. Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees , or with both.

284. Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees , or with both.

285. Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees , or with both.

adulterated
drugs.
Sale of drug as
a different
drug or
preparation.
Fouling water
of public
spring or
reservoir.
Making
atmosphere
noxious to
health.
Rash driving
or riding on a
public way.⁵

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person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

280. Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

281. Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, and with fine which shall not be less than ten thousand rupees.

282. Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

283. Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished, with fine which may extend to five thousand rupees.

284. Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against any probable danger to human life from such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

285. Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

286. Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

287. Whoever does, with any machinery, any act so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

288. Whoever, in pulling down, repairing or constructing any building, knowingly or negligently omits to take such measures with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both. Rash navigation of vessel.

Exhibition of false light, mark or buoy.

Conveying person by water for hire in unsafe or overloaded vessel.

Danger or obstruction in public way or line of navigation.

Negligent conduct with respect to poisonous substance.

Negligent

conduct with respect to fire or combustible matter.

Negligent

conduct with respect to explosive substance.

Negligent

conduct with respect to machinery.

Negligent

conduct with respect to pulling down, repairing or constructing buildings etc.

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289. Whoever knowingly or negligently omits to take such measures with any animal

in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

290. Whoever commits a public nuisance in any case not otherwise punishable by this

Sanhita shall be punished with fine which may extend to one thousand rupees.

291. Whoever repeats or continues a public nuisance, having been enjoined by any

public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

292. (1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing,

painting, representation, figure or any other object, including display of any content in electronic form shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

(2) Whoever—

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into

circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever in whatever manner; or

(b) imports, exports or conveys any obscene object for any of the purposes

aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation; or

(c) takes part in or receives profits from any business in the course of which he

knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation; or

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person; or

(e) offers or attempts to do any act which is an offence under this section,

shall be punished on first conviction with imprisonment of either description for a term

which may extend to two years, and with fine which may extend to five thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to ten thousand rupees.

Exception. —This section does not extend to—

(a) any book, pamphlet, paper, writing, drawing, painting, representation or

figure—

(i) the publication of which is proved to be justified as being for the public

good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern; or Negligent conduct with respect to animal.

Punishment for

public nuisance in cases not otherwise provided for.

Continuance of

nuisance after injunction to discontinue.

Sale, etc., of

obscene books, etc. 5

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(ii) which is kept or used bona fide for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented

on or in—

(i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958; or

(ii) any temple, or on any car used for the conveyance of idols, or kept or

used for any religious purpose.

293. Whoever sells, lets to hire, distributes, exhibits or circulates to any child below the age of eighteen years such obscene object as is referred to in section 292, or offers or attempts so to do, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.

294. Whoever, to the annoyance of others,—

(a) does any obscene act in any public place; or

(b) sings, recites or utters any obscene song, ballad or words, in or near any

public place,

shall be punished with imprisonment of either description for a term which may extend to

three months, or with fine which may extend to one thousand rupees, or with both.

295. (1) Whoever keeps any office or place for the purpose of drawing any lottery not

being a State lottery or a lottery authorised by the State Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(2) Whoever publishes any proposal to pay any sum, or to deliver any goods, or to

do or forbear from doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to five thousand rupees.

CHAPTER XVI

O

F OFFENCES RELATING TO RELIGION

296. Whoever destroys, damages or defiles any place of worship, or any object held

sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

297. Whoever, with deliberate and malicious intention of outraging the religious feelings

of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or through electronic means or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

298. Whoever voluntarily causes disturbance to any assembly lawfully engaged in

the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. Sale, etc., of obscene objects to child.

Obscene acts
and songs.
Keeping
lottery office.
Injuring or
defiling place of worship, with intent to insult the religion of any class.
Deliberate and
malicious acts, intended to outrage religious feelings of any class by insulting
its religion or religious beliefs.
Disturbing
religious assembly. 5

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299. Whoever, with the intention of wounding the feelings of any person,
or of insulting
the religion of any person or with the knowledge that the feelings of any
person are likely to be wounded, or that the religion of any person is
likely to be insulted thereby, commits any trespass in any place of worship
or on any place of sepulture, or any place set apart for the performance of
funeral rites or as a depository for the remains of the dead, or offers
any indignity to any human corpse, or causes disturbance to any persons
assembled for the performance of funeral ceremonies, shall be punished with
imprisonment of either description for a term which may extend to one year,
or with fine, or with both.

300. Whoever, with the deliberate intention of wounding the religious
feelings of any
person, utters any word or makes any sound in the hearing of that person
or makes any gesture in the sight of that person or places any object in
the sight of that person, shall be punished with imprisonment of either
description for a term which may extend to one year, or with fine, or with
both.

CHAPTER XVII

O

F OFFENCES AGAINST PROPERTY

301. (1) Whoever, intending to take dishonestly any movable property out
of the

possession of any person without that person's consent, moves that
property in order to such taking, is said to commit theft.

Explanation 1.—A thing so long as it is attached to the earth, not being
movable

property, is not the subject of theft; but it becomes capable of being the
subject of theft as soon as it is severed from the earth.

Explanation 2.—A moving effected by the same act which effects the
severance may
be a theft.

Explanation 3.—A person is said to cause a thing to move by removing an
obstacle

which prevented it from moving or by separating it from any other thing, as well as by actually moving it.

Explanation 4.—A person, who by any means causes an animal to move, is said to

move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.—The consent mentioned in this section may be express or implied, and

may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree

out of Z's possession without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if

A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain

direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(d) A being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs

away with the plate, without Z's consent. A has committed theft.

(e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall

return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust. Trespassing on burial places, etc.

Uttering words,

etc., with deliberate intent to wound religious feelings.

Theft. 5

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(f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring

is in Z's possession, and if A dishonestly removes it, A commits theft.

(g) A finds a ring lying on the highroad, not in the possession of any person. A, by

taking it, commits no theft, though he may commit criminal misappropriation of property.

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to

misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(i) A delivers his watch to Z, a jeweler, to be regulated. Z carries it to his shop. A, not owing to the jeweler any debt for which the jeweler might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away.

Here A, though he may have committed criminal trespass and assault, has not committed

theft, inasmuch as what he did was not done dishonestly.

(j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as

a security for the debt, and A takes the watch out of Z's possession, with the intention of

depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(k) Again, if A, having pawned his watch to Z, takes it out of Z's possession without

Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property inasmuch as he takes it dishonestly.

(l) A takes an article belonging to Z out of Z's possession without Z's consent, with

the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefore committed theft.

(m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes

away a book without Z's express consent for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(n) A asks charity from Z's wife. She gives A money, food and clothes, which A knows

to belong to Z her husband. Here it is probable that A may conceive that Z's wife is authorised to give away alms. If this was A's impression, A has not committed theft.

(o) A is the paramour of Z's wife. She gives a valuable property, which A knows to

belong to her husband Z, and to be such property as she has no authority from Z to give. If A takes the property dishonestly, he commits theft.

(p) A, in good faith, believing property belonging to Z to be A's own property, takes

that property out of Z's possession. Here, as A does not take dishonestly, he does not commit theft.

(2) Whoever commits theft shall be punished with imprisonment of either description

for a term which may extend to three years, or with fine, or with both and in case of second or subsequent conviction of any person under this

section, he shall be punished with rigorous imprisonment for a term which shall not be less than one year but which may extend to five years and with fine:

Provided that in cases of theft where the value of the stolen property is less than five thousand rupees, and a person is convicted for the first time, shall upon return of the value of property or restoration of the stolen property, shall be punished with community service.⁵

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302. (1) Theft is "snatching" if, in order to commit theft, the offender suddenly or

quickly or forcibly seizes or secures or grabs or takes away from any person or from his possession any moveable property.

(2) Whoever commits snatching, shall be punished with imprisonment of either

description for a term which may extend to three years, and shall also be liable to fine.

303. Whoever commits theft—

(a) in any building, tent or vessel used as a human dwelling or used for the custody of property; or

(b) of any means of transport used for the transport of goods or passengers; or

(c) of any article or goods from any means of transport used for the transport of

goods or passengers; or

(d) of idol or icon in any place of worship; or

(e) of any property of the Government or of a local authority,

shall be punished with imprisonment of either description for a term which may extend to

seven years and shall also be liable to fine.

304. Whoever, being a clerk or servant, or being employed in the capacity of a clerk or

servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either

description for a term which may extend to seven years, and shall also be liable to fine.

305. Whoever commits theft, having made preparation for causing death, or hurt, or

restraint, or fear of death, or of hurt, or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of

his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with

rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Illustrations.

(a) A commits theft on property in Z's possession; and while committing this theft, he

has a loaded pistol under his garment, having provided this pistol for the purpose of hurting Z in case Z should resist. A has committed the offence defined in this section.

(b) A picks Z's pocket, having posted several of his companions near him, in order that

they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this section.

Of Extortion

306. (1) Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property, or valuable security or anything signed or sealed which may be converted into a valuable security, commits "extortion".

Illustrations.

(a) A threatens to publish a defamatory libel concerning Z unless Z gives him money.

He thus induces Z to give him money. A has committed extortion.

(b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(c) A threatens to send club-men to plough up Z's field unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

Snatching.

Theft in a

dwelling house, or means of transportation or place of worship, etc.

Theft by clerk

or servant of property in possession of master.

Theft after

preparation made for causing death, hurt or re-straint in order to the committing of theft.

Extortion. 5

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(d) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or

affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security. A has committed extortion.

(e) A threatens Z by sending a message through an electronic device that "Your child

is in my possession, and will be put to death unless you send me one lakh rupees." A thus induces Z to give him money. A has committed "extortion".

(2) Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(3) Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear, of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(4) Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(5) Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(6) Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed, or attempted to commit, an offence punishable with death or with imprisonment for life, or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(7) Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with imprisonment for life, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Of Robbery and Dacoity

307. (1) In all robbery there is either theft or extortion.

(2) Theft is "robbery" if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt, or of instant wrongful restraint.

(3) Extortion is "robbery" if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

Explanation . -The offender is said to be present if he is sufficiently near to put the

other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

Illustrations

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery. Robbery. 5

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(b) A meets Z on the high road, shows a pistol, and demands Z's purse. Z, in consequence, surrenders his purse. Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(c) A meets Z and Z's child on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

(d) A obtains property from Z by saying "Your child is in the hands of my gang, and will be put to death unless you send us ten thousand rupees". This is extortion, and punishable as such: but it is not robbery, unless Z is put in fear of the instant death of his child.

(2) Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and, if the robbery be committed on the highway between sunset and sunrise, the imprisonment may be extended to fourteen years.

(3) Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

(4) If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

308. (1) When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit "dacoity".

(2) Whoever commits dacoity shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(3) If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or imprisonment for life, or rigorous imprisonment for a term which shall not be less than ten years, and shall also be liable to fine.

(4) Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(5) Whoever is one of five or more persons assembled 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.

(6) Whoever belongs to a gang of persons associated for the purpose of habitually committing dacoity, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

309. If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

310. If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than seven years. Dacoity.

Robbery, or dacoity, with attempt to cause death or grievous hurt. Attempt to

commit robbery or dacoity when armed with deadly weapon. 5

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311. Whoever belongs to any gang of persons associated in habitually committing theft or robbery, and not being a gang of dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Of Criminal misappropriation of property.

312. Whoever dishonestly misappropriates or converts to his own use any movable

property, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to two years and with fine.

Illustrations.

(a) A takes property belonging to Z out of Z's possession, in good faith believing at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But, if A afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(c) A and B, being, joint owners of a horse. A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But, if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

Explanation 1.—A dishonest misappropriation for a time only is a misappropriation

within the meaning of this section.

Illustration.

A finds a Government promissory note belonging to Z, bearing a blank endorsement.

A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan, intending at a future time to restore it to Z. A has committed an offence under this section.

Explanation 2.—A person who finds property not in the possession of any other

person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that

any particular person is the owner of it; it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believe that the real owner cannot be found.

Illustrations.

(a) A finds a rupee on the high road, not knowing to whom the rupee belongs, A picks up the rupee. Here A has not committed the offence defined in this section.

(b) A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.

(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A punishment for belonging to gang of robbers, dacoits, etc.

Dishonest

misappropriation of property.5

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knows that this person can direct him to the person in whose favour the cheque was drawn.

A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

(d) A sees Z drop his purse with money in it. A picks up the purse with the intention of

restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this section.

(e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers

that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately

without attempting to discover the owner. A is guilty of an offence under this section.

313. Whoever dishonestly misappropriates or converts to his own use any property,

knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Illustration.

Z dies in possession of furniture and money. His servant A, before the money comes

into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this section.

Of Criminal breach of trust

314. (1) Whoever, being in any manner entrusted with property, or with any dominion

over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be

discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust".

Explanation 1.—A person, being an employer of an establishment whether exempted

under section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 or not who deducts the employee's contribution from the wages payable to the employee for credit to a Provident Fund or Family Pension Fund established by any law for the time being in force, shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said law, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Explanation 2.—A person, being an employer, who deducts the employees' contribution from the wages payable to the employee for credit to the Employees' State Insurance Fund held and administered by the Employees' State Insurance Corporation established under the Employees' State Insurance Act, 1948 shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said Act, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Illustrations.

(a) A, being executor to the will of a deceased person, dishonestly disobeys the law

which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust. Dishonest misappropriation of property possessed by deceased person at the time of his death.

Criminal

breach of trust. 5

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(b) A is a warehouse-keeper Z going on a journey, entrusts his furniture to A, under a

contract that it shall be returned on payment of a stipulated sum for warehouse room. A dishonestly sells the goods. A has committed criminal breach of trust.

(c) A, residing in Kolkata, is agent for Z, residing at Delhi. There is an express or implied

contract between A and Z, that all sums remitted by Z to A shall be invested by A, according to Z's direction. Z remits a lakh of rupees to A, with directions to A to invest the same in Company's paper. A dishonestly disobeys the directions and employs the money in his own business. A has committed criminal breach of trust.

(d) But if A, in illustration (c), not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys Z's directions, and buys shares in the Bank of Bengal, for Z, instead of buying Company's paper, here, though Z should suffer loss, and should be entitled to bring a civil action against A, on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.

(e) A, a revenue-officer, is entrusted with public money and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. A dishonestly appropriates the money. A has committed criminal breach of trust.

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

(2) Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(3) Whoever, being entrusted with property as a carrier, wharfinger or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(4) Whoever, being a clerk or servant or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(5) Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent commits criminal breach of trust in respect of that property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Of the Receiving of stolen property

315. (1) Property, the possession whereof has been transferred by theft or extortion or

robbery or cheating, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as "stolen property", whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without India, but, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

(2) Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

(3) Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of Stolenproperty.5

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dacoity, or dishonestly receives from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(4) Whoever habitually receives or deals in property which he knows or has reason to

believe to be stolen property, shall be punished with imprisonment for life, or with imprisonment

of either description for a term which may extend to ten years, and shall also be liable to fine.

(5) Whoever voluntarily assists in concealing or disposing of or making away with

property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Of Cheating

316. (1) Whoever, by deceiving any person, fraudulently or dishonestly induces the

person so deceived to deliver any property to any person, or to consent that any person

shall retain any property, or intentionally induces the person so deceived to do or omit to do

anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat".

Explanation. -A dishonest concealment of facts is a deception within the meaning of

this section.

Illustrations.

(a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and

thus dishonestly induces Z to let him have on credit goods for which he does not mean to

pay. A cheats.

(b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a

belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.

(c) A, by exhibiting to Z a false sample of an article intentionally deceives Z into

believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

(d) A, by tendering in payment for an article a bill on a house with which A keeps no

money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.

(e) A, by pledging as diamond articles which he knows are not diamonds, intentionally

deceives Z, and thereby dishonestly induces Z to lend money. A cheats.

(f) A intentionally deceives Z into a belief that A means to repay any money that Z

may lend to him and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.

(g) A intentionally deceives Z into a belief that A means to deliver to Z a certain

quantity of indigo plant which he does not intend to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A

cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract

and does not deliver it, he does not cheat, but is liable only to a civil action for breach of

contract.

(h) A intentionally deceives Z into a belief that A has performed A's part of a contract

made with Z, which he has not performed, and thereby dishonestly induces Z to pay money.

A cheats. Cheating. 5

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(i) A sells and conveys an estate to B. A, knowing that in consequence of such sale

he has no right to the property, sells or mortgages the same to Z, without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

(2) Whoever cheats shall be punished with imprisonment of either description for a

term which may extend to three years, or with fine, or with both.

(3) Whoever cheats with the knowledge that he is likely thereby to cause wrongful

loss to a person whose interest in the transaction to which the cheating relates, he was bound, either by law, or by a legal contract, to protect,

shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(4) Whoever cheats and thereby dishonestly induces the person deceived to deliver

any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

317. (1) A person is said to "cheat by personation" if he cheats by pretending to be

some other person, or by knowingly substituting one person for or another, or representing that he or any other person is a person other than he or such other person really is.

Explanation. -The offence is committed whether the individual personated is a real

or imaginary person.

Illustrations.

(a) A cheats by pretending to be a certain rich banker of the same name. A cheats by

personation.

(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

(2) Whoever cheats by personation shall be punished with imprisonment of either description

for a term which may extend to five years, or with fine, or with both.

Of fraudulent deeds and dispositions of property

318. Whoever dishonestly or fraudulently removes, conceals or delivers to any person,

or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to two years, or with fine, or with both.

319. Whoever dishonestly or fraudulently prevents any debt or demand due to himself

or to any other person from being made available according to law for payment of his debt or the debts of such other person, shall be punished with imprisonment of either description for

a term which may extend to two years, or with fine, or with both.

320. Whoever dishonestly or fraudulently signs, executes or becomes a party to any

deed or instrument which purports to transfer or subject to any charge, any property, or any

interest therein, and which contains any false statement relating to the consideration for

such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. Cheating by

personation.

Dishonest or

fraudulent removal or concealment of property
to prevent distribution among creditors.
Dishonestly or
fraudulently preventing debt being available for creditors.
Dishonest or
fraudulent execution of deed of transfer containing false
statement of consideration.⁵

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321. Whoever dishonestly or fraudulently conceals or removes any property
of himself

or any other person, or dishonestly or fraudulently assists in the
concealment or removal thereof, or dishonestly releases any demand or claim
to which he is entitled, shall be punished with imprisonment of either
description for a term which may extend to three years, or with fine, or
with both.

Of Mischief

322. (1) Whoever with intent to cause, or knowing that he is likely to
cause, wrongful

loss or damage to the public or to any person, causes the destruction of
any property, or any such change in any property or in the situation
thereof as destroys or diminishes its value or utility, or affects it
injuriously, commits "mischief".

Explanation 1.—It is not essential to the offence of mischief that the
offender should

intend to cause loss or damage to the owner of the property injured or
destroyed. It is sufficient if he intends to cause, or knows that he is
likely to cause, wrongful loss or damage to any person by injuring any
property, whether it belongs to that person or not.

Explanation 2.—Mischief may be committed by an act affecting property
belonging

to the person who commits the act, or to that person and others jointly.
Illustrations.

(a) A voluntarily burns a valuable security belonging to Z intending to
cause wrongful

loss to Z. A has committed mischief.

(b) A introduces water into an ice-house belonging to Z and thus causes
the ice to

melt, intending wrongful loss to Z. A has committed mischief.

(c) A voluntarily throws into a river a ring belonging to Z, with the
intention of thereby

causing wrongful loss to Z. A has committed mischief.

(d) A, knowing that his effects are about to be taken in execution in
order to satisfy a

debt due from him to Z, destroys those effects, with the intention of
thereby preventing Z from obtaining satisfaction of the debt, and of thus
causing damage to Z. A has committed mischief.

(e) A having insured a ship, voluntarily causes the same to be cast away,
with the

intention of causing damage to the underwriters. A has committed mischief.
(f) A cause a ship to be cast away, intending thereby to cause damage to Z who has lent

money on bottomry on the ship. A has committed mischief.

(g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(h) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing

that he is likely to cause damage to Z's crop. A has committed mischief.

(2) Whoever commits mischief shall be punished with imprisonment of either description

for a term which may extend to six months, or with fine, or with both.

(3) Whoever commits mischief and thereby causes loss or damage to any property

including the property of Government or Local Authority shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

(4) Whoever commits mischief and thereby causes loss or damage to the amount of

twenty thousand rupees and more but less than one lakh rupees shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(5) Whoever commits mischief and thereby causes loss or damage to the amount of

one lakh rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. Dishonest or fraudulent removal or concealment of property.

Mischief.5

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(6) Whoever commits mischief, having made preparation for causing to any person

death, or hurt, or wrongful restraint, or fear of death, or of hurt, or of wrongful restraint, shall

be punished with imprisonment of either description for a term which may extend to five

years, and shall also be liable to fine.

323. Whoever commits mischief by killing, poisoning, maiming or rendering useless

any animal shall be punished with imprisonment of either description for a term which may

extend to five years, or with fine, or with both.

324. Whoever commits mischief by,---

(a) doing any act which causes, or which he knows to be likely to cause, a

diminution of the supply of water for agricultural purposes, or for food or drink for

human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;

(b) doing any act which renders or which he knows to be likely to render any

public road, bridge, navigable river or navigable channel, natural or artificial, impassable

or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;

(c) doing any act which causes or which he knows to be likely to cause an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;

(d) destroying or moving any sign or signal used for navigation of rail, aircraft

or ship or other thing placed as a guide for navigators, or by any act which renders any

such sign or signal less useful as a guide for navigators, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both;

(e) destroying or moving any land-mark fixed by the authority of a public servant,

or by any act which renders such land-mark less useful as such, shall be punished with

imprisonment of either description for a term which may extend to one year, or with fine, or with both;

(f) fire or any explosive substance intending to cause, or knowing it to be likely

that he will thereby cause, damage to any property including agricultural produce,

shall be punished with imprisonment of either description for a term which may extend

to seven years and shall also be liable to fine;

(g) fire or any explosive substance, intending to cause, or knowing it to be likely

that he will thereby cause, the destruction of any building which is ordinarily used as

a place of worship or as a human dwelling or as a place for the custody of property,

shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

325. (1) Whoever commits mischief to any rail, aircraft, or a decked vessel or any

vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or

knowing it to be likely that he will thereby destroy or render unsafe, that rail, aircraft or

vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever commits, or attempts to commit, by fire or any explosive substance, such

mischief as is described in sub-section (1), shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Mischief by killing or maiming an animal.

Mischief by injury, inundation, fire or explosive substance, etc.

Mischief with intent to destroy or make unsafe a rail, aircraft, decked vessel or one of twenty tons burden.

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326. Whoever intentionally runs any vessel aground or ashore, intending to commit

theft of any property contained therein or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Of criminal trespass

327. (1) Whoever enters into or upon property in the possession of another with

intent to commit an offence or to intimidate, insult or annoy any person in possession of such property or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person or with intent to commit an offence is said to commit "criminal trespass".

(2) Whoever commits criminal trespass by entering into or remaining in any building,

tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit "house-trespass".

Explanation. -The introduction of any part of the criminal trespasser's body is entering

sufficient to constitute house-trespass.

(3) Whoever commits criminal trespass shall be punished with imprisonment of either

description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

(4) Whoever commits house-trespass shall be punished with imprisonment of either

description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

328. (1) Whoever commits house-trespass having taken precautions to conceal such

house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent or vessel which is the subject of the trespass, is said to commit "lurking house-trespass".

(2) A person is said to commit "house-breaking" who commits house-trespass if he

effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of the following ways, namely:--

(a) if he enters or quits through a passage made by himself, or by any abettor of

the house-trespass, in order to the committing of the house-trespass;

(b) if he enters or quits through any passage not intended by any person, other

than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building;

(c) if he enters or quits through any passage which he or any abettor of the

house-trespass has opened, in order to the committing of the house-trespass by any means by which that passage was not intended by the occupier of the house to be opened;

(d) if he enters or quits by opening any lock in order to the committing of the

house-trespass, or in order to the quitting of the house after a house-trespass;

(e) if he effects his entrance or departure by using criminal force or committing

an assault, or by threatening any person with assault;

(f) if he enters or quits by any passage which he knows to have been fastened

against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass. Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.

Criminal

trespass and house-trespass.

House-trespass

and house-breaking. 5

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Explanation. -Any out-house or building occupied with a house, and between which

and such house there is an immediate internal communication, is part of the house within the meaning of this section.

Illustrations.

(a) A commits house-trespass by making a hole through the wall of Z's house, and

putting his hand through the aperture. This is house-breaking.

(b) A commits house-trespass by creeping into a ship at a port-hole between decks.

This is house-breaking.

(c) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, having opened

a door which was fastened. This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, having lifted a

latch by putting a wire through a hole in the door. This is house-breaking.

(f) A finds the key of Z's house door, which Z had lost, and commits house-trespass

by entering Z's house, having opened the door with that key. This is house-breaking.

(g) Z is standing in his doorway. A forces a passage by knocking Z down, and

commits house-trespass by entering the house. This is house-breaking.

(h) Z, the door-keeper of Y, is standing in Y's doorway. A commits house-trespass by

entering the house, having deterred Z from opposing him by threatening to beat him. This is house-breaking.

329. (1) Whoever commits lurking house-trespass or house-breaking, shall be punished

with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

(2) Whoever commits lurking house-trespass or house-breaking after sunset and before

sunrise, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(3) Whoever commits lurking house-trespass or house-breaking, in order to the

committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to ten years.

(4) Whoever commits lurking house-trespass or house-breaking after sunset and before

sunrise, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years.

(5) Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description or a term which may extend to ten years, and shall also be liable to fine.

(6) Whoever commits lurking house-trespass or house-breaking after sunset and before sunrise, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine. Punishment for house-trespass or house-breaking. 5

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(7) Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(8) If, at the time of the committing of lurking house-trespass or house-breaking after

sunset and before sunrise, any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass or house-breaking after sunset and before sunrise, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

330. Whoever commits house-trespass in order to the committing of any offence--

(a) punishable with death, shall be punished with imprisonment for life, or with

rigorous imprisonment for a term not exceeding ten years, and shall also be liable to fine;

(b) punishable with imprisonment for life, shall be punished with imprisonment

of either description for a term not exceeding ten years, and shall also be liable to fine;

(c) punishable with imprisonment, shall be punished with imprisonment of either

description for a term which may extend to two years, and shall also be liable to fine:

Provided that if the offence intended to be committed is theft, the term of the

imprisonment may be extended to seven years.

331. Whoever commits house-trespass, having made preparation for causing hurt to

any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

332. (1) Whoever dishonestly or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(2) Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

CHAPTER XVIII

O

F OFFENCES RELATING TO DOCUMENTS AND TO PROPERTY MARKS

333. A person is said to make a false document or false electronic record—

(A) Who dishonestly or fraudulently—

(i) makes, signs, seals or executes a document or part of a document;

(ii) makes or transmits any electronic record or part of any electronic record;

(iii) affixes any electronic signature on any electronic record;

(iv) makes any mark denoting the execution of a document or the authenticity of the electronic signature,

with the intention of causing it to be believed that such document or part of document,

electronic record or electronic signature was made, signed, sealed, executed, transmitted or House-trespass in order to commit offence.

House-trespass

after preparation for hurt, assault or wrongful restraint.

Dishonestly

breaking open receptacle containing property.

Making a false

document.5

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affixed by or by the authority of a person by whom or by whose authority he knows that it

was not made, signed, sealed, executed or affixed; or

(B) Who without lawful authority, dishonestly or fraudulently, by cancellation

or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with electronic signature either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

(C) Who dishonestly or fraudulently causes any person to sign, seal, execute or

alter a document or an electronic record or to affix his electronic signature on any electronic record knowing that such person by reason of mental illness or intoxication cannot, or that by reason of deception

practised upon him, he does not know the contents of the document or electronic record or the nature of the alteration.

Illustrations.

(a) A has a letter of credit upon B for rupees 10,000, written by Z. A, in order to defraud

B, adds cipher to the 10,000, and makes the sum 1,00,000 intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance

of an estate from Z to A, with the intention of selling the estate to B and thereby of obtaining from B the purchase-money. A has committed forgery.

(c) A picks up a cheque on a banker signed by B, payable to bearer, but without any

sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand rupees. A commits forgery.

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the

sum payable and authorises B to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand rupees. B commits forgery.

(e) A draws a bill of exchange on himself in the name of B without B's authority,

intending to discount it as a genuine bill with a banker and intending to take up the bill on its maturity. Here, as A draws the bill with intent to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.

(f) Z's will contains these words—"I direct that all my remaining property be equally

divided between A, B and C." A dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.

(g) A endorses a Government promissory note and makes it payable to Z or his order

by writing on the bill the words "Pay to Z or his order" and signing the endorsement. B dishonestly erases the words "Pay to Z or his order", and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate,

executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee named by Z,

and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(j) A writes a letter and signs it with B's name without B's authority, certifying that A is

a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and

other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.⁵

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(k) A without B's authority writes a letter and signs it in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery inasmuch as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an express or implied contract for service.

Explanation 1.—A man's signature of his own name may amount to forgery. Illustrations.

(a) A signs his own name to a bill of exchange, intending that it may be believed that

the bill was drawn by another person of the same name. A has committed forgery.

(b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in

order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and

negotiate the bill as though it had been accepted by Z. A is guilty of forgery; and if B, knowing the fact, draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(c) A picks up a bill of exchange payable to the order of a different person of the same

name. A endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable; here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B. B, after the

seizure of the estate, in collusion with Z, executes a lease of the estate, to Z at a nominal rent and for a long period and dates the lease six months prior to the seizure, with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.

(e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and

with intent to defraud his creditors; and in order to give a colour to the transaction, writes a promissory note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2.—The making of a false document in the name of a fictitious person,

intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

Illustration.

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

Explanation 3.—For the purposes of this section, the expression "affixing electronic

signature" shall have the meaning assigned to it in clause (d) of sub-section (1) of section 2

of the Information Technology Act, 2000.

334. (1) Whoever makes any false document or false electronic record or part of a

document or electronic record, with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

(2) Whoever commits forgery shall be punished with imprisonment of either description

for a term which may extend to two years, or with fine, or with both.

(3) Whoever commits forgery, intending that the document or electronic record forged

shall be used for the purpose of cheating, shall be punished with imprisonment of either

description for a term which may extend to seven years, and shall also be liable to fine.

Forgery. 21 of 2000. 5

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(4) Whoever commits forgery, intending that the document or electronic record forged

shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either

description for a term which may extend to three years, and shall also be liable to fine.

335. Whoever forges a document or an electronic record, purporting to be a record or

proceeding of or in a Court or an identity document issued by Government including voter identity card or Aadhaar Card, or a register of birth, marriage or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation. —For the purposes of this section, "register" includes any list, data or

record of any entries maintained in the electronic form as defined in clause (r) of sub-section (1)

of section 2 of the Information Technology Act, 2000.

336. Whoever forges a document which purports to be a valuable security or a will, or

an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquaintance or receipt acknowledging the payment of money, or an acquaintance or receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

337. Whoever has in his possession any document or electronic record, knowing the same to be forged and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document or electronic record is one of the description mentioned in section 335 of this Sanhita, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in section 336, shall be punished with imprisonment for life, or with imprisonment of either description, for a term which may extend to seven years, and shall also be liable to fine.

338. (1) A false document or electronic record made wholly or in part by forgery is

designated "a forged document or electronic record".

(2) Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record.

339. (1) Whoever makes or counterfeits any seal, plate or other instrument for making

an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 336 of this Sanhita, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever makes or counterfeits any seal, plate or other instrument for making an

impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than section 336, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(3) Whoever possesses any seal, plate or other instrument knowing the same to be

counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. Forgery of record of Court or of public register, etc.

Forgery of

valuable security, will, etc.

Having

possession of document described in section 335 or 336, knowing it to be forged and intending to use it as genuine. 21 of 2000.

Forged

document or electronic record and using it as genuine.

Making or

possessing counterfeit seal, etc., with intent to commit forgery punishable under section 336.5

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(4) Whoever fraudulently or dishonestly uses as genuine any seal, plate or other

instrument knowing or having reason to believe the same to be counterfeit, shall be punished in the same manner as if he had made or counterfeited such seal, plate or other instrument.

340. (1) Whoever counterfeits upon, or in the substance of, any material, any device

or mark used for the purpose of authenticating any document described in section 336 of this Sanhita, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who, with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever counterfeits upon, or in the substance of, any material, any device or

mark used for the purpose of authenticating any document or electronic record other than the documents described in section 336 of this Sanhita, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

341. Whoever fraudulently or dishonestly, or with intent to cause damage or injury to

the public or to any person, cancels, destroys or defaces, or attempts to cancel, destroy or deface, or secretes or attempts to secrete any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or commits mischief in respect of such document, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

342. Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, wilfully, and with intent to defraud, destroys, alters, mutilates or falsifies any book, electronic record, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully, and with intent to defraud, makes or abets the making of any false entry in, or omits or alters or abets the omission or alteration of any material particular from or in, any such book, electronic record, paper, writing, valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation.- It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud, or any particular day on which the offence was committed.

Of Property marks

343. (1) A mark used for denoting that movable property belongs to a particular person is called a property mark.

(2) Whoever marks any movable property or goods or any case, package or other receptacle containing movable property or goods, or uses any case, package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.

(3) Whoever uses any false property mark shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. Counterfeiting device or mark used for authenticating documents described in section 336, or possessing counterfeit marked material.

Fraudulent

cancellation, destruction, etc., of will, authority to adopt, or valuable security.

Falsification

of accounts.

Property

mark. 5

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344. Whoever removes, destroys, defaces or adds to any property mark, intending or

knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

345. (1) Whoever counterfeits any property mark used by any other person shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(2) Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the property is of a particular quality or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

346. Whoever makes or has in his possession any die, plate or other instrument for the purpose of counterfeiting a property mark, or has in his possession a property mark for the purpose of denoting that any goods belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

347. Whoever sells, or exposes, or has in possession for sale, any goods or things with a counterfeit property mark affixed to or impressed upon the same or to or upon any case, package or other receptacle in which such goods are contained, shall, unless he proves—

(a) that, having taken all reasonable precautions against committing an offence

against this section, he had at the time of the commission of the alleged offence no

reason to suspect the genuineness of the mark; and

(b) that, on demand made by or on behalf of the prosecutor, he gave all the

information in his power with respect to the persons from whom he obtained such goods or things; or

(c) that otherwise he had acted innocently,

be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

348. (1) Whoever makes any false mark upon any case, package or other receptacle

containing goods, in a manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that

it does not contain goods which it does contain, or that the goods contained in such

receptacle are of a nature or quality different from the real nature or quality thereof, shall, unless he proves that he acted without intent to

defraud, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

(2) Whoever makes use of any false mark in any manner prohibited under sub-section (1)

shall, unless he proves that he acted without intent to defraud, be punished as if he had committed the offence under sub-section (1).

CHAPTER XIX

O

F CRIMINAL INTIMIDATION , INSULT , ANNOYANCE , DEFAMATION , ETC.

349. (1) Whoever threatens by any means, another with any injury to his person,

reputation or property, or to the person or reputation of any one in whom that person is

interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal

intimidation. Tampering

with property mark with intent to cause injury.

Counterfeiting

a property mark.

Making or

possession of any instrument for counterfeiting a property mark.

Selling goods

marked with a counterfeit property mark.

Making a false

mark upon any receptacle containing goods.

Criminal

intimidation. 5

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Explanation. -A threat to injure the reputation of any deceased person in whom the

person threatened is interested, is within this section.

Illustration.

A, for the purpose of inducing B to resist from prosecuting a civil suit, threatens to

burn B's house. A is guilty of criminal intimidation.

(2) Whoever commits the offence of criminal intimidation shall be punished with

imprisonment of either description for a term which may extend to two years, or with fine, or

with both.

(3) Whoever commits the offence of criminal intimidation by treating to cause death

or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence

punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(4) Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence under sub-section (1).

350. Whoever intentionally insults in any manner, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

351. (1) Whoever makes, publishes or circulates any statement, false information,

rumour, or report, including through electronic means—

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence

against the State or against the public tranquility; or

(c) with intent to incite, or which is likely to incite, any class or community of

persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever makes, publishes or circulates any statement or report containing false information, rumour or alarming news, including through electronic means, with intent to

create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or

castes or communities shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) Whoever commits an offence specified in sub-section (2) in any place of worship

or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine. Intentional insult with intent to provoke breach of peace.

Statements

conducing to public mischief. 5

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Exception . -It does not amount to an offence, within the meaning of this section,

when the person making, publishing or circulating any such statement, false information ,

rumour or report, has reasonable grounds for believing that such statement, false information, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.

352. Whoever voluntarily causes or attempts to cause any person to do anything

which that person is not legally bound to do, or to omit to do anything

which he is legally entitled to do, by inducing or attempting to induce

that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of Divine displeasure if he does not do the thing which it is the object of

the offender to cause him to do, or if he does the thing which it is the

object of the offender to cause him to omit, shall be punished with

imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Illustrations.

(a) A sits dharna at Z's door with the intention of causing it to be believed that, by so

sitting, he renders Z an object of Divine displeasure. A has committed the offence defined in this section.

(b) A threatens Z that, unless Z performs a certain act, A will kill one of A's own

children, under such circumstances that the killing would be believed to render Z an object of Divine displeasure. A has committed the offence

defined in this section.

353. Whoever, in a state of intoxication, appears in any public place, or in any place

which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple

imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to one thousand rupees, or with both or with community

service.

Of Defamation

354. (1) Whoever, by words either spoken or intended to be read, or by signs or by

visible representations, makes or publishes in any manner, any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

Explanation 1.—It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2.—It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3.—An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.—No imputation is said to harm a person's reputation, unless that

imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations.

(a) A says— "Z is an honest man; he never stole B's watch"; intending to cause it to

be believed that Z did steal B's watch. This is defamation, unless it falls within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed

that Z stole B's watch. This is defamation, unless it falls within one of the exceptions. Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure.

Misconduct in

public by a drunken person.

Defamation. 5

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(c) A draws a picture of Z running away with B's watch, intending it to be believed that

Z stole B's watch. This is defamation, unless it falls within one of the exceptions.

Exception 1.— It is not defamation to impute anything which is true concerning any

person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Exception 2.— It is not defamation to express in good faith any opinion whatever

respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

Exception 3.— It is not defamation to express in good faith any opinion whatever

respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

Illustration.

It is not defamation in A to express in good faith any opinion whatever respecting Z's

conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

Exception 4.—It is not defamation to publish substantially true report of the

proceedings of a Court, or of the result of any such proceedings.

Explanation .—A Magistrate or other officer holding an enquiry in open Court

preliminary to a trial in a Court, is a Court within the meaning of the above section.

Exception 5.—It is not defamation to express in good faith any opinion whatever

respecting the merits of any case, civil or criminal, which has been decided by a Court, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

Illustrations.

(a) A says— "I think Z's evidence on that trial is so contradictory that he must be

stupid or dishonest." A is within this exception if he says this in good faith, inasmuch as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(b) But if A says— "I do not believe what Z asserted at that trial because I know him to

be a man without veracity"; A is not within this exception, inasmuch as the opinion which expresses of Z's character, is an opinion not founded on Z's conduct as a witness.

Exception . 6—It is not defamation to express in good faith any opinion respecting the

merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation .—A performance may be submitted to the judgment of the public expressly

or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations.

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.⁵

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(d) A says of a book published by Z—"Z's book is foolish; Z must be a weak man. Z's

book is indecent; Z must be a man of impure mind." A is within the exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only

so far as it appears in Z's book, and no further.

(e) But if A says "I am not surprised that Z's book is foolish and indecent, for he is a

weak man and a libertine." A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

Exception 7.—It is not defamation in a person having over another any authority,

either conferred by law or arising out of a lawful contract made with that other, to pass in

good faith any censure on the conduct of that other in matters to which such lawful authority

relates.

Illustration.

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court;

a head of a department censuring in good faith those who are under his orders, a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose

authority is derived from a parent, censuring in good faith a pupil in the presence of other

pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier— are within this exception.

Exception 8.—It is not defamation to prefer in good faith an accusation against any

person to any of those who have lawful authority over that person with respect to the

subject-matter of accusation.

Illustration.

If A in good faith accuses Z before a Magistrate; if A in good faith complains of the

conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father—A is within this exception.

Exception 9.— It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.

Illustrations.

(a) A, a shopkeeper, says to B, who manages his business—"Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(b) A, a Magistrate, in making a report to his own superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception.

Exception 10.— It is not defamation to convey a caution, in good faith, to one person

against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

(2) Whoever defames another shall be punished with simple imprisonment for a term

which may extend to two years, or with fine, or with both or with community service.

(3) Whoever prints or engraves any matter, knowing or having good reason to believe

that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

(4) Whoever sells or offers for sale any printed or engraved substance containing

defamatory matter, knowing that it contains such matter, shall be punished with simple

imprisonment for a term which may extend to two years, or with fine, or with both.

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Of breach of contract to attend on and supply wants of helpless person.
355. Whoever, being bound by a lawful contract to attend on or to supply the wants

of any person who, by reason of youth, or of mental illness, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

356. (1) The Indian Penal Code is hereby repealed.

(2) Notwithstanding the repeal of the Code referred to in sub-section (1), it shall not affect,—

(a) the previous operation of the Code so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Code so repealed; or

(c) any penalty, or punishment incurred in respect of any offences committed against the Code so repealed; or

(d) any investigation or remedy in respect of any such penalty, or punishment; or

(e) any proceeding, investigation or remedy in respect of any such penalty or punishment as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if that Code had not been repealed.

(3) Notwithstanding such repeal, anything done or any action taken under the said Code shall be deemed to have been done or taken under the corresponding provisions of this Sanhita.

(4) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of the repeal. Breach of contract to attend on and supply wants of helpless person.

Repeal and

savings. 45 of 1860.

10 of 1897. 5

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25 STATEMENT OF OBJECTS AND REASONS

In the year 1834, the first Indian Law Commission was constituted under the Chairman-

ship of Lord Thomas Babington Macaulay to examine the jurisdiction, power and rules of the existing Courts as well as the police establishments and the laws in force in India.

4. The Commission suggested various enactments to the Government. One of the

important recommendations made by the Commission was on, Indian Penal Code which was enacted in 1860 and the said Code is still continuing in the country with some amendments made thereto from time to time.

5. The Government of India considered it expedient and necessary to review the

existing criminal laws with an aim to strengthen law and order and also focus on simplifying legal procedure so that ease of living is ensured to the common man. The Government also considered to make existing laws relevant to the contemporary situation and provide speedy justice to common man. Accordingly, various stakeholders were consulted keeping in mind contemporary needs and aspirations of the people and with a view to

create a legal structure which is citizen centric and to secure life and liberty of the citizens.

6. Now, it is proposed to enact a new law, namely, the Bharatiya Nyaya Sanhita Bill,

2023 by repealing the Indian Penal Code to streamline provisions relating to offences and penalties. It is proposed to provide first time community service as one of the punishments for petty offences. The offences against women and children, murder and offences against the State have been given precedence. The various offences have been made gender neutral. In order to deal effectively with the problem of organised crimes and terrorist activities, new offences of terrorist acts and organised crime have been added in the Bill with deterrent punishments. A new offence on acts of secession, armed rebellion, subversive activities, separatist activities or endangering sovereignty or unity and integrity of India has also been added. The fines and punishment for various offences have also been suitably enhanced.

7. The Notes on Clauses explain the various provisions of the Bill.

The Bill seeks to achieve the above objectives.

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EW DELHI; AMIT SHAH.

The 9th August , 2023.

103 NOTES ON CLAUSES

Clause 1 of the Bill seeks to provide short title, commencement and application of the proposed legislation.

Clause 2 of the Bill seeks to define certain words and expressions used in the proposed legislation such as act, omission, counterfeit, dishonestly, gender, good faith, offence, voluntarily, etc.

Clause 3 of the Bill seeks to provide general explanations and expressions enumerated

in the proposed legislation subject to the exceptions contained in the "General Exceptions", Chapter.

Clause 4 of the Bill seeks to provide punishments for various offences provided under the provisions of the proposed Bill.

Clause 5 of the Bill seeks to empower the appropriate Government to commute the sentence of death or imprisonment for life.

Clause 6 of the Bill seeks to provide fractions of terms of punishment of imprisonment

for life as equivalent to twenty years unless otherwise provided.

Clause 7 of the Bill seeks to provide for sentence which may be either wholly or partly rigorous or simple.

Clause 8 of the Bill seeks to provide for amount of fine in default of payment of fine and

imprisonment in default of payment of fine.

Clause 9 of the Bill seeks to provide for the limit of punishment for several offences.

Clause 10 of the Bill seeks to provide for lowest punishment provided for an offence

where it is doubtful among the commission of several offences.

Clause 11 of the Bill seeks to provide the power to court for solitary confinement.

Clause 12 of the Bill seeks to provide for limit of solitary confinement in certain cases.

Clause 13 of the Bill seeks to provide for enhanced punishment for certain offences

after previous conviction.

Clause 14 of the Bill seeks to exempt a person who acts by mistake of fact and not by

mistake of law in good faith believing himself to be bound by law to do it.

Clause 15 of the Bill seeks to provide that nothing is an offence which is done by a

Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

Clause 16 of the Bill seeks to exempt a person from an offence when acting under a

judgment or order notwithstanding that the Court had no jurisdiction to pass such judgment or order, provided the person doing the act in good

faith believes that the Court had such

jurisdiction.

Clause 17 of the Bill seeks to provide that nothing is an offence which is done by any

person who is justified by law, or who by reason of a mistake of fact and not by reason of a

mistake of law in good faith, believes himself to be justified by law, in doing it.

Clause 18 of the Bill seeks to provide that nothing is an offence which is done by

accident or misfortune, and without any criminal intention or knowledge in the doing of a

lawful act in a lawful manner by lawful means and with proper care and caution.

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Clause 19 of the Bill seeks to provide that nothing is an offence merely by reason of its

being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for

the purpose of preventing or avoiding other harm to person or property.

Clause 20 of the Bill seeks to provide that nothing is an offence which is done by a

child under seven years of age.

Clause 21 of the Bill seeks to provide that nothing is an offence which is done by a

child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and

consequences of his conduct on that occasion.

Clause 22 of the Bill seeks to provide that nothing is an offence which is done by a

person who, at the time of doing it, by reason of mental illness, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

Clause 23 of the Bill seeks to provide that nothing is an offence which is done by a

person under intoxication unless that the thing which intoxicated him was administered to him without his knowledge or against his will.

Clause 24 of the Bill seeks to provide that in cases where an act done is not an offence

unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

Clause 25 of the Bill seeks to provide that nothing is an offence which is not intended

to cause death, or grievous hurt when the harm done with consent of a person above eighteen years of age whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Clause 26 of the Bill seeks to provide that nothing is an offence when the act not

intended to cause death done by consent in good faith and for persons' benefit.

Clause 27 of the Bill seeks to provide that nothing is an offence when an act is done

in good faith for benefit of child or person with mental illness, by or by consent of guardian.

Clause 28 of the Bill seeks to provide that the consent is not a consent as intended by

the proposed legislation when it is given under fear or misconception or by a person under twelve years of age.

Clause 29 of the Bill seeks to provide that exceptions in sections 21, 22 and 23 do not

extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Clause 30 of the Bill seeks to provide that nothing is an offence when act done in

good faith for benefit of a person without consent if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit.

Clause 31 of the Bill seeks to provide that no communication made in good faith is an

offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

Clause 32 of the Bill seeks to provide that nothing is an offence done by a person

except murder, and offences against the State punishable with death, which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence.¹⁰⁶

Clause 33 of the Bill seeks to provide that nothing is an offence by reason that it

causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

Clause 34 of the Bill seeks to provide that nothing is an offence which is done in the

exercise of the right of private defence.

Clause 35 of the Bill seeks to provide that every person has a right of private defence

of the body and of property subject to the restrictions contained in the Bill.

Clause 36 of the Bill seeks to provide that nothing is an offence, when an act is done

in exercise of right of private defence, due to want of maturity of understanding, the mental illness or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, however, every person has the same right of private defence against that act which he would have if the act were that offence.

Clause 37 of the Bill seeks to provide certain acts against which the right of private

defence does not extend.

Clause 38 of the Bill seeks to provide for certain circumstances where the right of

private defence of the body extends to causing death.

Clause 39 of the Bill seeks to provide for certain circumstances when the right of

taking private defence extends to causing harm other than death.

Clause 40 of the Bill seeks to provide that the right to private defence of the body

starts as soon as reasonable apprehension of danger to the body arises and continues as long as such apprehension continues.

Clause 41 of the Bill seeks to provide for certain circumstances when the right of

private defence of property extends to causing death.

Clause 42 of the Bill seeks to provide the circumstances when the right of private

defence of property extends to causing any harm other than death.

Clause 43 of the Bill seeks to provide that the right of private defence of property

starts as soon as reasonable apprehension of danger to the property commences and continues as long as such apprehension continues.

Clause 44 of the Bill seeks to provide that if in the exercise of the right of private

defence against an assault which reasonably causes the apprehension of death and the defender is so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Clause 45 of the Bill seeks to provide the meaning of abetment to mean that instigation

by any person to do a thing, or engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing, intentionally aids, by any act or illegal omission, the doing of that thing.

Clause 46 of the Bill seeks to provide that a person abets an offence, who abets either

the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Clause 47 of the Bill seeks to provide that a person abets an offence within the

meaning of this Sanhita who, in India, abets the commission of any act without and beyond India which would constitute an offence if committed in India.

Clause 48 of the Bill seeks to provide that a person abets an offence within the

meaning of this Sanhita who, without and beyond India, abets the commission of any act in India which would constitute an offence if committed in India.¹⁰⁷

Clause 49 of the Bill seeks to provide for the punishment of abetment if the act abetted

is committed in consequence and where no express provision is made for its punishment.

Clause 50 of the Bill seeks to provide that punishment of abetment if person abetted

does act with different intention from that of abettor.

Clause 51 of the Bill seeks to provide that when an Act is abetted and a different act

is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it, provided that the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Clause 52 of the Bill seeks to provide that if the act for which the abettor is liable under

section 51 is committed in addition to the act abetted, and constitute a distinct offence, the abettor is liable to punishment for each of the offences.

Clause 53 of the Bill seeks to provide that liability of abettor for an effect caused by

the act abetted different from that intended by the abettor.

Clause 54 of the Bill seeks to provide that whenever any person, who is absent would

be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is

committed, he shall be deemed to have committed such act or offence.

Clause 55 of the Bill seeks to provide that when no express provision is made under

this Sanhita for the punishment of abetment relating to an offence punishable with death or imprisonment for life, the person shall be punished with imprisonment which may extend to seven years, and also liable to fine.

Clause 56 of the Bill seeks to provide that if the offence abetment is not committed

and no express provision is made for punishment, he shall be punished for imprisonment provided for that purpose for a term which may extend to one fourth part of the longest term provided for that offence or with fine provided for that offence.

Clause 57 of the Bill seeks to provide that whoever abets the commission of an

offence by the public generally or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to seven years and with fine.

Clause 58 of the Bill seeks to provide that concealing design to commit offence

punishable with death or imprisonment for life.

Clause 59 of the Bill seeks to provide for punishment to the public servant for

concealing design of offence and thereby intending to facilitate such offence which it is his duty as such public servant to prevent the said offence.

Clause 60 of the Bill seeks to provide for punishment where a person intending to

facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design.

Clause 61 of the Bill seeks to provide that when two or more persons agree to do, or

cause to be done an illegal act, or an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy.

Clause 62 of the Bill seeks to provide for punishment for attempting to commit

offences, which is punishable with imprisonment for life or other imprisonment, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both.¹⁰⁸

Clause 63 of the Bill seeks to provide for definition of rape and various circumstances

under which the offence shall be treated as rape.

Clause 64 of the Bill seeks to provide for punishment for rape when committed by

persons such as police officer, public servant, being a member of armed forces, staff of jail

etc., which may extend to for a term which shall not be less than ten years but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Clause 65 of the Bill seeks to provide for punishment for rape in certain cases such as

woman under sixteen years of age.

Clause 66 of the Bill seeks to provide for punishment for rape, if in the course of

commission of rape inflicts an injury which causes the death of the woman or causes the woman to be in a persistent vegetative state, with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, or with death.

Clause 67 of the Bill seeks to provide for punishment of a person to two years which

may extend to seven years and also liable for fine if such person commits sexual intercourse

with his own wife during separation whether under a decree of separation or otherwise, without her consent.

Clause 68 of the Bill seeks to provide for punishment of rape, when committed by a

person who is in a position of authority such as public servant, superintendent or manager of jail, staff under the management of hospital etc., for term which shall not less than five

years but may extend to ten years and also with fine.

Clause 69 of the Bill seeks to provide that whoever, by deceitful means or making by

promise to marry to a woman without any intention of fulfilling the same, and has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Clause 70 of the Bill seeks to provide for punishment for gang rape, by one or more

persons, to rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life which shall mean imprisonment

for the remainder of that person's natural life, and with fine and also provide for punishment for imprisonment for life or with death when a gang rape is committed with a woman under eighteen years of age.

Clause 71 of the Bill seeks to provide for punishment for a repeat offender, previously

convicted of an offence punishable under section 63 or section 64 or section 65 or section 66

or section 67 and is subsequently convicted for said sections, with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.

Clause 72 of the Bill seeks to provide for punishment to offender who prints or

publishes, the name or any matter which may make known the identity of any person against whom an offence under section 63 or section 64 or section 65 or section 66 or section 67 or

section 68 is alleged or found to have been committed (hereafter in this section referred to as

the victim), with imprisonment of either description for a term which may extend to two years and shall also be liable to fine subject to certain conditions.

Clause 73 of the Bill seeks to provide for punishment for assaults or uses criminal

force, to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, with imprisonment of either

description for a term which shall not be

less than one year but which may extend to five years, and shall also be liable to fine.

Clause 74 of the Bill seeks to provide punishment for sexual harassment, such as

physical contact and advances involving unwelcome and explicit sexual overtures; or a demand or request for sexual favours; or showing

pornography against the will of a woman; 109

with rigorous imprisonment for a term which may extend to three years, or with fine, or with both and for making sexually coloured remarks, with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Clause 75 of the Bill seeks to provide that whoever assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

Clause 76 of the Bill seeks to provide for punishment for voyeurism, such as watching or capturing the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person, at the behest of the perpetrator or disseminates such image and punishment thereof.

Clause 77 of the Bill seeks to provide for stalking such as follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; etc., and punishment thereof.

Clause 78 of the Bill seeks to provide for punishment for intending to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object in any form, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, with simple imprisonment for a term which may extend to three years, and also with fine.

Clause 79 of the Bill seeks to provide punishment for dowry death, which shall be with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

Clause 80 of the Bill seeks to provide punishment for cohabitation or sexual intercourse by a man deceitfully inducing a woman to belief of lawful marriage, with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Clause 81 of the Bill seeks to provide that whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Clause 82 of the Bill seeks to provide that whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Clause 83 of the Bill seeks to provide that whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, with intent that she may have illicit intercourse with any

person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Clause 84 of the Bill seeks to provide that whoever, being the husband or the relative

of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Clause 85 of the Bill seeks to provide for punishment for kidnapping abducting or

inducing woman to compel her marriage against her will for illicit intercourse, with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Clause 86 of the Bill seeks to provide for punishment for causing voluntary miscarriage

if not caused for good faith for the purpose of saving the life of the woman, with imprisonment for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.¹¹⁰

Clause 87 of the Bill seeks to provide punishment for miscarriage without consent of

woman, for a term which may extend to ten years and also for fine.

Clause 88 of the Bill seeks to provide that punishment whoever, with intent to cause

the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and when done without the consent of woman with imprisonment for life or which may extend to ten years or with fine.

Clause 89 of the Bill seeks to provide that whoever before the birth of any child does

any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Clause 90 of the Bill seeks to provide that whoever does any act under such

circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Clause 91 of the Bill seeks to provide that whoever being the father or mother of a

child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Clause 92 of the Bill seeks to provide that whoever, by secretly burying or otherwise

disposing of the dead body of a child whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

Clause 93 of the Bill seeks to provide that whoever hires, employs or engages any person below the age of eighteen years to commit an offence shall be punished with imprisonment of either description or fine provided for that offence as if the offence has been committed by such person himself.

Clause 94 of the Bill seeks to provide that whoever, by any means whatsoever, induces any child below the age of eighteen years to go from any place or to do any act with intent that such child below the age of eighteen years may be, or knowing that it is likely that such child will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

Clause 95 of the Bill seeks to provide that whoever kidnaps or abducts any child

under the age of ten years with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Clause 96 of the Bill seeks to provide that whoever sells, lets to hire, or otherwise

disposes of child below eighteen years of age with intent that such child shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Clause 97 of the Bill seeks to provide that whoever buys, hires or otherwise obtains

possession of any child below the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child will

at any age be employed or used for any such purpose, shall be punished with imprisonment

of either description for a term which shall not be less than seven years but which may extend to fourteen years, and shall also be liable to fine.

Clause 98 of the Bill seeks to provide that whoever causes death by doing an act with

the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Clause 99 of the Bill seeks to provide various circumstances under which the culpable homicide is murder.

Clause 100 of the Bill seeks to define culpable homicide by causing death of person

other than person whose death was intended.

Clause 101 of the Bill seeks to provide punishment for murder which shall be death or

imprisonment for life, and also fine. Sub-Clause (2) further provides that when a murder is

committed by a group of five or more persons acting in concert on the ground of race, caste or community, sex, place of birth, language, personal belief or any other ground each member of such group shall be punished with death or with imprisonment for life or imprisonment for a term which shall not be less than seven years and shall also be liable to fine.

Clause 102 of the Bill seeks to provide that whoever, being under sentence of

imprisonment for life, commits murder, shall be punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life.

Clause 103 of the Bill seeks to provide the punishment for culpable homicide not amounting to murder.

Clause 104 of the Bill seeks to provide that whoever causes the death of any person by

doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine. It further provides that whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide and escapes from the scene of incident or fails to report the incident to a Police officer or Magistrate soon after the incident, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Clause 105 of the Bill seeks to provide that if any person under eighteen years of age,

with mental illness, any delirious person or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

Clause 106 of the Bill seeks to provide that if any person commits suicide, whoever

abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Clause 107 of the Bill seeks to provide punishment for attempt to murder and if by that

death is caused, he would be guilty of murder and shall be punished with imprisonment which may extend to ten years and also for fine and further provides that if hurt is caused by such act the punishment shall be imprisonment for life, or with fine, or with both.

Clause 108 of the Bill seeks to define attempt to commit culpable homicide not

amounting to murder and provides for punishment which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Clause 109 of the Bill seeks to define organised crime to mean that continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing,¹¹² economic offences, cyber-crimes having severe consequences, trafficking in people, drugs etc., and punishment thereof.

Clause 110 of the Bill seeks to define petty organised crime as any crime that causes general feelings of insecurity among citizens relating to theft of vehicle or theft from vehicle, domestic and business theft, trick theft, cargo crime, theft (attempt to theft, theft of personal property), etc., and punishment thereof.

Clause 111 of the Bill seeks to provide that a terrorist act shall mean using bombs,

dynamite or other explosive substance to cause damage or loss due to damage or destruction of property or to cause extensive interference with, damage or destruction to critical infrastructure, etc., with the intention to threaten the unity, integrity and security of India, to intimidate the general public or a segment thereof, or to disturb public order.

Clause 112 of the Bill seeks to provide whoever causes bodily pain, disease or

infirmity to any person is said to cause hurt.

Clause 113 of the Bill seeks to define voluntarily causing hurt and punishment thereof.

Clause 114 of the Bill seeks to provide that hurt namely, emasculation, permanent

privation of the sight of either eye, permanent privation of the hearing of either ear privation of any member or joint, destruction or permanent impairing of the powers of any member or joint, permanent disfiguration of the head or face, fracture or dislocation of a bone or tooth, and any hurt which endangers life or which causes the sufferer to be during the space of fifteen days in severe bodily pain, or unable to follow his ordinary pursuits are grievous hurt.

Clause 115 of the Bill seeks to define voluntarily causing grievous hurt and punishment thereof.

Clause 116 of the Bill seeks to define voluntarily causing hurt or grievous hurt by

dangerous weapons or means and punishment thereof.

Clause 117 of the Bill seeks to define voluntarily causing hurt or grievous hurt to

extort property, or to constrain to an illegal to an act and punishment thereof.

Clause 118 of the Bill seeks to define voluntarily causing hurt or grievous hurt to

extort confession, or to compel restoration of property and punishment thereof.

Clause 119 of the Bill seeks to define voluntarily causing hurt or grievous hurt to

deter public servant from his duty and punishment thereof.

Clause 120 of the Bill seeks to define voluntarily causing hurt or grievous hurt on

provocation and punishment thereof.

Clause 121 of the Bill seeks to define causing hurt by means of poison, etc., with

intent to commit an offence and punishment thereof.

Clause 122 of the Bill seeks to define voluntarily causing grievous hurt by use of acid,

etc., and punishment thereof.

Clause 123 of the Bill seeks to define act endangering life or personal safety of others

and punishment thereof.

Clause 124 of the Bill seeks to define wrongful restraint and punishment thereof.

Clause 125 of the Bill seeks to define wrongful confinement and punishment thereof

.Clause 126 of the Bill seeks to define force.

Clause 127 of the Bill seeks to define criminal force.

Clause 128 of the Bill seeks to define assault.

Clause 129 of the Bill seeks to provide punishment for assault or criminal force

otherwise than on grave provocation.¹¹³

Clause 130 of the Bill seeks to provide punishment for assault or criminal force to

deter public servant from discharge of his duty.

Clause 131 of the Bill seeks to provide punishment for assault or criminal force with

intent to dishonour person, otherwise than on grave provocation.

Clause 132 of the Bill seeks to provide punishment assault or criminal force in attempt

to commit theft of property carried by a person.

Clause 133 of the Bill seeks to provide punishment assault or criminal force in attempt

wrongfully to confine a person.

Clause 134 of the Bill seeks to provide punishment assault or criminal force on grave

provocation.

Clause 135 of the Bill seeks to define kidnapping and punishment thereof.

Clause 136 of the Bill seeks to provide that whoever by force compels, or by any

deceitful means induces, any person to go from any place, is said to abduct that person.

Clause 137 of the Bill seeks to define kidnapping or maiming a child for purposes of

begging and punishment thereof.

Clause 138 of the Bill seeks to provide for kidnapping or abducting in order to murder

or for ransom, etc., and punishment thereof.

Clause 139 of the Bill seeks to provide for importation of girl or boy from foreign

country and punishment thereof.

Clause 140 of the Bill seeks to provide for wrongfully concealing or keeping in

confinement, kidnapped or abducted person punishment thereof.

Clause 141 of the Bill seeks to provide for trafficking of person and punishment thereof.

Clause 142 of the Bill seeks to provide for exploitation of a trafficked person and punishment thereof.

Clause 143 of the Bill seeks to provide for habitual dealing in slaves and punishment thereof.

Clause 144 of the Bill seeks to provide for unlawful compulsory labour and punishment thereof.

Clause 145 of the Bill seeks to provide for waging, or attempting to wage war, or abetting waging of war, against the Government of India and punishment thereof.

Clause 146 of the Bill seeks to provide for conspiracy to commit offences punishable by section 145 and punishment thereof.

Clause 147 of the Bill seeks to provide for collecting arms, etc., with intention of

waging war against the Government of India and punishment thereof.

Clause 148 of the Bill seeks to provide for concealing with intent to facilitate design

to wage war and punishment thereof.

Clause 149 of the Bill seeks to provide for assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power and punishment thereof.

Clause 150 of the Bill seeks to provide for acts endangering sovereignty unity and integrity of India and punishment thereof.

Clause 151 of the Bill seeks to provide for waging war against Government of any

foreign State at peace with the Government of India and punishment thereof.

Clause 152 of the Bill seeks to provide for committing depredation on territories of

foreign State at peace with the Government of India and punishment thereof.¹¹⁴

Clause 153 of the Bill seeks to provide for receiving property taken by war or

depredation mentioned in sections 151 and 152 and punishment thereof.

Clause 154 of the Bill seeks to provide for public servant voluntarily allowing

prisoner of state or war to escape and punishment thereof.

Clause 155 of the Bill seeks to provide for public servant negligently suffering such

prisoner to escape and punishment thereof.

Clause 156 of the Bill seeks to provide for aiding escape of, rescuing or harbouring

such prisoner and punishment thereof.

Clause 157 of the Bill seeks to provide for abetting mutiny, or attempting to seduce

a soldier, sailor or airman from his duty and punishment thereof.
 Clause 158 of the Bill seeks to provide for abetment of mutiny, if mutiny is committed in consequence thereof and punishment thereof.
 Clause 159 of the Bill seeks to provide for abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office and punishment thereof.
 Clause 160 of the Bill seeks to provide for abetment of such assault, if the assault committed and punishment thereof.
 Clause 161 of the Bill seeks to provide for abetment of desertion of soldier, sailor or airman and punishment thereof.
 Clause 162 of the Bill seeks to provide for harbouring deserter and punishment thereof.
 Clause 163 of the Bill seeks to provide for deserter concealed on board merchant vessel through negligence of master and punishment thereof.
 Clause 164 of the Bill seeks to provide for abetment of act of insubordination by soldier, sailor or airman and punishment thereof.
 Clause 165 of the Bill seeks to provide that no person subject to the Army Act, 1950, the Indian Navy (Discipline) Act, 1934, the Air Force Act, 1950, shall be subject to punishment under the Bill for any of the offences defined under Chapter VIII.
 Clause 166 of the Bill seeks to provide for wearing garb or carrying token used by soldier, sailor or airman and punishment thereof.
 Clause 167 of the Bill seeks to define "candidate" and "electoral right".
 Clause 168 of the Bill seeks to provide for bribery.
 Clause 169 of the Bill seeks to provide for undue influence at elections.
 Clause 170 of the Bill seeks to provide for personation at elections.
 Clause 171 of the Bill seeks to provide punishment for bribery.
 Clause 172 of the Bill seeks to provide punishment for undue influence or personation at an election.
 Clause 173 of the Bill seeks to provide for false statement in connection with an election and punishment thereof.
 Clause 174 of the Bill seeks to provide for illegal payments in connection with an election and punishment thereof.
 Clause 175 of the Bill seeks to provide for failure to keep election account and punishment thereof.
 Clause 176 of the Bill seeks to provide for counterfeiting coin, government stamps, currency-notes or bank-notes and punishment thereof.115

Clause 177 of the Bill seeks to provide for using as genuine, forged or counterfeit coin, Government stamp, currency-notes or bank-notes and punishment thereof.

Clause 178 of the Bill seeks to provide for possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes and punishment thereof.

Clause 179 of the Bill seeks to provide for making or possessing instruments

or materials for forging or counterfeiting coin, Government stamp, currency notes or bank-notes and punishment thereof.

Clause 180 of the Bill seeks to provide for making or using documents resembling

currency-notes or bank-notes and punishment thereof.

Clause 181 of the Bill seeks to provide for effacing writing from substance bearing

Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government and punishment thereof.

Clause 182 of the Bill seeks to provide for using Government stamp known to have

been before used and punishment thereof.

Clause 183 of the Bill seeks to provide for erasure of mark denoting that stamp has

been used and punishment thereof.

Clause 184 of the Bill seeks to provide for prohibition of fictitious stamps and

punishment thereof.

Clause 185 of the Bill seeks to provide for person employed in mint causing coin to be

of different weight or composition from that fixed by law and punishment thereof.

Clause 186 of the Bill seeks to provide for unlawfully taking coining instrument from

mint and punishment thereof.

Clause 187 of the Bill seeks to provide for unlawful assembly and punishment thereof.

Clause 188 of the Bill seeks to provide for every member of unlawful assembly guilty

of offence committed in prosecution of common object.

Clause 189 of the Bill seeks to provide for rioting and punishment thereof.

Clause 190 of the Bill seeks to provide for want only giving provocation with intent

to cause riot- if rioting be committed; if not committed and punishment thereof.

Clause 191 of the Bill seeks to provide for liability of owner, occupier, etc., of land on

which an unlawful assembly or riot takes place and punishment thereof.

Clause 192 of the Bill seeks to provide for affray and punishment thereof.

Clause 193 of the Bill seeks to provide for assaulting or obstructing public servant

when suppressing riot, etc., and punishment thereof.

Clause 194 of the Bill seeks to provide for promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony and punishment thereof.

Clause 195 of the Bill seeks to provide for imputations, assertions prejudicial to national integration and punishment thereof.

Clause 196 of the Bill seeks to provide for public servant disobeying law, with intent to cause injury to any person and punishment thereof.

Clause 197 of the Bill seeks to provide for public servant disobeying direction under law and punishment thereof.

Clause 198 of the Bill seeks to provide for punishment for non-treatment of victim and punishment thereof.¹¹⁶

Clause 199 of the Bill seeks to provide for public servant framing an incorrect document with intent to cause injury and punishment thereof.

Clause 200 of the Bill seeks to provide for public servant unlawfully engaging in trade and punishment thereof.

Clause 201 of the Bill seeks to provide for public servant unlawfully buying or bidding for property and punishment thereof.

Clause 202 of the Bill seeks to provide for personating a public servant and punishment thereof.

Clause 203 of the Bill seeks to provide for wearing garb or carrying token used by public servant with fraudulent intent and punishment thereof.

Clause 204 of the Bill seeks to provide for absconding to avoid service of summons or other proceeding and punishment thereof.

Clause 205 of the Bill seeks to provide for preventing service of summons or other proceeding, or preventing publication thereof and punishment thereof

Clause 206 of the Bill seeks to provide for non-attendance in obedience to an order from public servant and punishment thereof.

Clause 207 of the Bill seeks to provide for non-appearance in response to a proclamation under section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and punishment thereof.

Clause 208 of the Bill seeks to provide for omission to produce document to public servant by person legally bound to produce it and punishment thereof.

Clause 209 of the Bill seeks to provide for omission to give notice or information to public servant by person legally bound to give it and punishment thereof.

Clause 210 of the Bill seeks to provide for furnishing false information and punishment thereof.

Clause 211 of the Bill seeks to provide for refusing oath or affirmation when duly required by public servant to make it and punishment thereof.

Clause 212 of the Bill seeks to provide for refusing to answer public servant authorised to question and punishment thereof.

Clause 213 of the Bill seeks to provide for refusing to sign statement and punishment thereof.

Clause 214 of the Bill seeks to provide for false statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation and punishment thereof.

Clause 215 of the Bill seeks to provide for false information, with intent to cause public servant to use his lawful power to the injury of another person and punishment thereof.

Clause 216 of the Bill seeks to provide for resistance to the taking of property by the lawful authority of a public servant and punishment thereof.

Clause 217 of the Bill seeks to provide for obstructing sale of property offered for sale by authority of public servant and punishment thereof.

Clause 218 of the Bill seeks to provide for illegal purchase or bid for property offered for sale by authority of public servant and punishment thereof.

Clause 219 of the Bill seeks to provide for obstructing public servant in discharge of public functions and punishment thereof.

Clause 220 of the Bill seeks to provide for omission to assist public servant when bound by law to give assistance and punishment thereof.¹¹⁷

Clause 221 of the Bill seeks to provide for disobedience to order duly promulgated by public servant and punishment thereof.

Clause 222 of the Bill seeks to provide for threat of injury to public servant and punishment thereof.

Clause 223 of the Bill seeks to provide for threat of injury to induce person to refrain from applying for protection to public servant and punishment thereof.

Clause 224 of the Bill seeks to provide for attempt to commit suicide to compel or restraint exercise of lawful power and punishment thereof.

Clause 225 of the Bill seeks to provide for giving false evidence.

Clause 226 of the Bill seeks to provide for fabricating false evidence.

Clause 227 of the Bill seeks to provide for punishment for false evidence.

Clause 228 of the Bill seeks to provide for giving or fabricating false evidence with intent to procure conviction of capital offence and punishment thereof.

Clause 229 of the Bill seeks to provide for giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment and punishment thereof.

Clause 230 of the Bill seeks to provide for threatening any person to give false evidence and punishment thereof.

Clause 231 of the Bill seeks to provide for using evidence known to be false and punishment thereof.

Clause 232 of the Bill seeks to provide for issuing or signing false certificate and punishment thereof.

Clause 233 of the Bill seeks to provide for using as true a certificate known to be false and punishment thereof.

Clause 234 of the Bill seeks to provide for false statement made in declaration which is by law receivable as evidence and punishment thereof.

Clause 235 of the Bill seeks to provide for using as true such declaration knowing it to be false and punishment thereof.

Clause 236 of the Bill seeks to provide for causing disappearance of evidence of offence, or giving false information to screen offender and punishment thereof.

Clause 237 of the Bill seeks to provide for intentional omission to give information of offence by person bound to inform and punishment thereof.

Clause 238 of the Bill seeks to provide for giving false information respecting an offence committed and punishment thereof.

Clause 239 of the Bill seeks to provide for destruction of document to prevent its production as evidence and punishment thereof.

Clause 240 of the Bill seeks to provide for false personation for purpose of act or proceeding in suit or prosecution and punishment thereof.

Clause 241 of the Bill seeks to provide for fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution and punishment thereof.

Clause 242 of the Bill seeks to provide for fraudulent claim to property to prevent its seizure as forfeited or in execution and punishment thereof.

Clause 243 of the Bill seeks to provide for fraudulently suffering decree for sum not due and punishment thereof.¹¹⁸

Clause 244 of the Bill seeks to provide for dishonestly making false claim in Court and punishment thereof.

Clause 245 of the Bill seeks to provide for fraudulently obtaining decree for sum not due and punishment thereof.

Clause 246 of the Bill seeks to provide for false charge of offence made with intent to injure and punishment thereof.

Clause 247 of the Bill seeks to provide for harbouring offender and punishment thereof.

Clause 248 of the Bill seeks to provide for taking gift, etc., to screen an offender from punishment and punishment thereof.

Clause 249 of the Bill seeks to provide for offering gift or restoration of property in consideration of screening offender and punishment thereof.

Clause 250 of the Bill seeks to provide for taking gift to help to recover stolen property, etc., and punishment thereof.

Clause 251 of the Bill seeks to provide for harbouring offender who has escaped from custody or whose apprehension has been ordered and punishment thereof.

Clause 252 of the Bill seeks to provide for penalty for harbouring robbers or dacoits and punishment thereof.

Clause 253 of the Bill seeks to provide for public servant disobeying direction of law with intent to save person from punishment or property from forfeiture and punishment thereof.

Clause 254 of the Bill seeks to provide for public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture and punishment thereof.

Clause 255 of the Bill seeks to provide for public servant in judicial proceeding corruptly making report, etc., contrary to law and punishment thereof.

Clause 256 of the Bill seeks to provide for commitment for trial or confinement by person having authority who knows that he is acting contrary to law and punishment thereof.

Clause 257 of the Bill seeks to provide for intentional omission to apprehend on the part of public servant bound to apprehend and punishment thereof.

Clause 258 of the Bill seeks to provide for intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed and punishment thereof.

Clause 259 of the Bill seeks to provide for escape from confinement or custody negligently suffered by public servant and punishment thereof.

Clause 260 of the Bill seeks to provide for resistance or obstruction by a person to his lawful apprehension and punishment thereof.

Clause 261 of the Bill seeks to provide for resistance or obstruction to lawful apprehension of another person and punishment thereof.

Clause 262 of the Bill seeks to provide for omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise, provided for and punishment thereof.

Clause 263 of the Bill seeks to provide for resistance or obstruction to lawful

apprehension or escape or rescue in cases not otherwise provided for and punishment thereof.

Clause 264 of the Bill seeks to provide for violation of condition of remission of

punishment and punishment thereof.¹¹⁹

Clause 265 of the Bill seeks to provide for intentional insult or interruption to public

servant sitting in judicial proceeding and punishment thereof.

Clause 266 of the Bill seeks to provide for personation of an assessor and punishment thereof.

Clause 267 of the Bill seeks to provide for failure by person released on bail or bond to

appear in court and punishment thereof.

Clause 268 of the Bill seeks to provide for public nuisance.

Clause 269 of the Bill seeks to provide for negligent act likely to spread infection of

disease dangerous to life and punishment thereof.

Clause 270 of the Bill seeks to provide for malignant act likely to spread infection of

disease dangerous to life and punishment thereof.

Clause 271 of the Bill seeks to provide for disobedience to quarantine rule and

punishment thereof.

Clause 272 of the Bill seeks to provide for adulteration of food or drink intended for

sale and punishment thereof.

Clause 273 of the Bill seeks to provide for sale of noxious food or drink and punishment

thereof.

Clause 274 of the Bill seeks to provide for adulteration of drugs and punishment

thereof.

Clause 275 of the Bill seeks to provide for sale of adulterated drugs and punishment

thereof.

Clause 276 of the Bill seeks to provide for sale of drug as a different drug or preparation

and punishment thereof.

Clause 277 of the Bill seeks to provide for fouling water of public spring or reservoir

and punishment thereof.

Clause 278 of the Bill seeks to provide for making atmosphere noxious to health and

punishment thereof.

Clause 279 of the Bill seeks to provide for rash driving or riding on a public way and

punishment thereof.

Clause 280 of the Bill seeks to provide for rash navigation of vessel and punishment

thereof.

Clause 281 of the Bill seeks to provide for exhibition of false light, mark or buoy and

punishment thereof.

Clause 282 of the Bill seeks to provide for conveying person by water for hire in unsafe or overloaded vessel and punishment thereof.

Clause 283 of the Bill seeks to provide for danger or obstruction in public way or line of navigation and punishment thereof.

Clause 284 of the Bill seeks to provide for negligent conduct with respect to poisonous substance and punishment thereof.

Clause 285 of the Bill seeks to provide for negligent conduct with respect to fire or combustible matter and punishment thereof.

Clause 286 of the Bill seeks to provide for negligent conduct with respect to explosive substance and punishment thereof.

Clause 287 of the Bill seeks to provide for negligent conduct with respect to machinery and punishment thereof.¹²⁰

Clause 288 of the Bill seeks to provide for negligent conduct with respect to pulling down, repairing or constructing buildings, etc., and punishment thereof.

Clause 289 of the Bill seeks to provide for negligent conduct with respect to animal and punishment thereof.

Clause 290 of the Bill seeks to provide punishment for public nuisance in cases not otherwise provided for.

Clause 291 of the Bill seeks to provide for continuance of nuisance after injunction to discontinue and punishment thereof.

Clause 292 of the Bill seeks to provide for sale, etc., of obscene books, etc., and punishment thereof.

Clause 293 of the Bill seeks to provide for sale, etc., of obscene objects to child and punishment thereof.

Clause 294 of the Bill seeks to provide for obscene acts and songs and punishment thereof.

Clause 295 of the Bill seeks to provide for keeping lottery office and punishment thereof.

Clause 296 of the Bill seeks to provide for injuring or defiling place of worship, with intent to insult the religion of any class and punishment thereof.

Clause 297 of the Bill seeks to provide for deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs and punishment thereof.

Clause 298 of the Bill seeks to provide for disturbing religious assembly and punishment thereof.

Clause 299 of the Bill seeks to provide for trespassing on burial places, etc., and

punishment thereof.

Clause 300 of the Bill seeks to provide for uttering words, etc., with deliberate intent to

wound religious feelings and punishment thereof.

Clause 301 of the Bill seeks to define the offence theft and punishment thereof.

Clause 302 of the Bill seeks to define the offence snatching and punishment thereof.

Clause 303 of the Bill seeks to provide for theft in a dwelling house, or means of

transportation or place of worship, etc., and punishment thereof.

Clause 304 of the Bill seeks to provide for theft by clerk or servant of property in

possession of master and punishment thereof.

Clause 305 of the Bill seeks to provide for theft after preparation made for causing

death, hurt or restraint in order to the committing of theft and punishment thereof.

Clause 306 of the Bill seeks to define the offence extortion and punishment thereof.

Clause 307 of the Bill seeks to define the offence robbery and punishment thereof.

Clause 308 of the Bill seeks to define the offence dacoity and punishment thereof.

Clause 309 of the Bill seeks to provide for robbery, or dacoity, with attempt to cause

death or grievous hurt and punishment thereof.

Clause 310 of the Bill seeks to provide for attempt to commit robbery or dacoity when

armed with deadly weapon and punishment thereof.¹²¹

Clause 311 of the Bill seeks to provide for punishment for belonging to gang of

robbers, dacoits, etc.

Clause 312 of the Bill seeks to provide for dishonest misappropriation of property and

punishment thereof.

Clause 313 of the Bill seeks to provide for dishonest misappropriation of property

possessed by deceased person at the time of his death and punishment thereof.

Clause 314 of the Bill seeks to provide for criminal breach of trust under various

circumstances and punishment thereof.

Clause 315 of the Bill seeks to define stolen property and punishment thereof if

received under various circumstances.

Clause 316 of the Bill seeks to define cheating and punishment thereof.

Clause 317 of the Bill seeks to define cheating by personation and punishment thereof.

Clause 318 of the Bill seeks to provide for dishonest or fraudulent removal or

concealment of property to prevent distribution among creditors and punishment thereof.

Clause 319 of the Bill seeks to provide for dishonestly or fraudulently preventing debt being available for creditors and punishment thereof.

Clause 320 of the Bill seeks to provide for dishonest or fraudulent execution of deed of transfer containing false statement of consideration and punishment thereof.

Clause 321 of the Bill seeks to provide for dishonest or fraudulent removal or concealment of property and punishment thereof.

Clause 322 of the Bill seeks to define mischief and punishment thereof.

Clause 323 of the Bill seeks to provide for mischief by killing or maiming animal and punishment thereof.

Clause 324 of the Bill seeks to provide for mischief by injury, inundation, fire or explosive substance, etc., and punishment thereof.

Clause 325 of the Bill seeks to provide for mischief with intent to destroy or make unsafe a rail, aircraft, decked vessel or one of twenty tons burden and punishment thereof.

Clause 326 of the Bill seeks to provide for punishment for intentionally running vessel aground or ashore with intent to commit theft, etc. and punishment thereof.

Clause 327 of the Bill seeks to provide for criminal trespass and house-trespass and punishment thereof.

Clause 328 of the Bill seeks to provide for house-trespass and house-breaking.

Clause 329 of the Bill seeks to provide for punishment for house-trespass or house breaking and punishment thereof.

Clause 330 of the Bill seeks to provide for house-trespass in order to commit offence and punishment thereof.

Clause 331 of the Bill seeks to provide for house-trespass after preparation for hurt, assault or wrongful restraint and punishment thereof.

Clause 332 of the Bill seeks to define dishonestly breaking open receptacle containing property.

Clause 333 of the Bill seeks to define making a false document.

Clause 334 of the Bill seeks to provide for forgery and punishment thereof.

Clause 335 of the Bill seeks to provide for forgery of record of Court or of public register, etc. and punishment thereof.¹²²

Clause 336 of the Bill seeks to provide for forgery of valuable security, will, etc., and punishment thereof.

Clause 337 of the Bill seeks to provide for having possession of document specified in

section 335 or 336, knowing it to be forged and intending to use it as genuine and punishment thereof.

Clause 338 of the Bill seeks to provide for forged document or electronic record and

using it as genuine and punishment thereof.

Clause 339 of the Bill seeks to provide for making or possessing counterfeit seal, etc.,

with intent to commit forgery punishable under section 336 and punishment thereof.

Clause 340 of the Bill seeks to provide for counterfeiting device or mark used for

authenticating documents described in section 336, or possessing counterfeit marked material and punishment thereof.

Clause 341 of the Bill seeks to provide for fraudulent cancellation, destruction, etc., of

will, authority to adopt, or valuable security and punishment thereof.

Clause 342 of the Bill seeks to provide for falsification of accounts and punishment thereof.

Clause 343 of the Bill seeks to provide for property mark and punishment thereof.

Clause 344 of the Bill seeks to provide for tampering with property mark with intent to

cause injury and punishment thereof.

Clause 345 of the Bill seeks to provide for counterfeiting a property mark and punishment thereof.

Clause 346 of the Bill seeks to provide for making or possession of any instrument for

counterfeiting a property mark and punishment thereof.

Clause 347 of the Bill seeks to provide for selling goods marked with a counterfeit

property mark and punishment thereof.

Clause 348 of the Bill seeks to provide for making a false mark upon any receptacle

containing goods and punishment thereof.

Clause 349 of the Bill seeks to provide for criminal intimidation and punishment thereof.

Clause 350 of the Bill seeks to provide for intentional insult with intent to provoke

breach of peace and punishment thereof.

Clause 351 of the Bill seeks to provide for statements conducing to public mischief

and punishment thereof.

Clause 352 of the Bill seeks to provide for act caused by inducing person to believe

that he will be rendered an object of the divine displeasure and punishment thereof.

Clause 353 of the Bill seeks to provide for misconduct in public by a drunken person

and punishment thereof.

Clause 354 of the Bill seeks to define defamation and punishment thereof.

Clause 355 of the Bill seeks to provide for breach of contract to attend on and supply

wants of helpless person and punishment thereof.

Clause 356 of the Bill seeks to provide for repeal and savings of the Indian Penal

Code, 1860.FINANCIAL MEMORANDUM

The Bharatiya Nyaya Sanhita, 2023, if enacted, is not likely to involve any expenditure, either recurring or non-recurring, from and out of the Consolidated Fund of India.

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to consolidate and amend the provisions relating to offences and for matters connected therewith or incidental thereto.

(Shri Amit Shah, Minister of Home Affairs and Cooperation)

MGIPMRND-278LS-10.08.2023.CHAPTER II

O

F PUNISHMENTS

8. The punishments to which offenders are liable under the provisions of this Sanhita

are—

(a) Death;

(b) Imprisonment for life, that is to say, imprisonment for remainder of a person's natural life;

(c) Imprisonment, which is of two descriptions, namely:—

(1) Rigorous, that is, with hard labour;

(2) Simple;

(d) Forfeiture of property;

(e) Fine;

(f) Community Service.

9. In every case in which sentence of,—

(a) death has been passed, the appropriate Government may, without the consent

of the offender, commute the punishment for any other punishment provided by this Sanhita;

(b) imprisonment for life has been passed, the appropriate Government may, without the consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding fourteen years.

Explanation.— For the purposes of this section expression " appropriate Government "

means,—

(a) in cases where the sentence is a sentence of death or is for an offence against

any law relating to a matter to which the executive power of the Union extends, the Central Government; and

(b) in cases where the sentence (whether of death or not) is for an offence

against any law relating to a matter to which the executive power of the State extends, the Government of the State within which the offender is sentenced.

10. In calculating fractions of terms of punishment, imprisonment for life shall be reckoned

as equivalent to imprisonment for twenty years unless otherwise provided.

11. In every case in which an offender is punishable with imprisonment which may be of

either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

12. (1) Where no sum is expressed to which a fine may extend, the amount of fine to

which the offender is liable is unlimited, but shall not be excessive.

(2) In every case of an offence--

(a) punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment; Punishments.

Commutation

of sentence of death or imprisonment for life.

Fractions of

terms of punishment.

Sentence may

be (in certain cases of imprisonment) wholly or partly rigorous or simple.

Amount of

fine, liability in default of payment of fine, etc.5

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(b) punishable with imprisonment or fine, or with fine only, in which the offender

is sentenced to a fine, it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, in which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence.

(3) The term for which the Court directs the offender to be imprisoned in default of

payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

(4) The imprisonment which the Court imposes in default of payment of a fine or in

default of community service may be of any description to which the offender might have been sentenced for the offence.

(5) If the offence is punishable with fine or community service, the imprisonment

which the Court imposes in default of payment of the fine or in default of community service shall be simple, and the term for which the Court directs the offender to be imprisoned, in default of payment of fine or in default of community service, shall not exceed for any term not exceeding,—

(a) two months when the amount of the fine shall not exceed five thousand

rupees; and

(b) four months when the amount of the fine shall not exceed ten thousand rupees, and for any term not exceeding one year in any other case.

(6) (a) The imprisonment which is imposed in default of payment of a fine shall terminate

whenever that fine is either paid or levied by process of law;

(b) If, before the expiration of the term of imprisonment fixed in default of payment,

such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Illustration .

A is sentenced to a fine of one thousand rupees and to four months'

imprisonment in

default of payment. Here, if seven hundred and fifty rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seven hundred and fifty rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If five hundred rupees of the fine be paid or levied before the expiration of two months of the imprisonment. A will be discharged as soon as the two months are completed. If five hundred rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

(7) The fine, or any part thereof which remains unpaid, may be levied at any time within

six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

13. (1) Where anything which is an offence is made up of parts, any of which parts is

itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

(2) (a) Where anything is an offence falling within two or more separate definitions of

any law in force for the time being by which offences are defined or punished; or

(b) Where several acts, of which one or more than one would by itself or themselves

Limit of

punishment of offence made up of several offences. 5

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constitute an offence, constitute, when combined, a different offence,

the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences.

Illustration s.

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of

voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating.

(b) But, if, while A is beating Z, Y interferes, and A intentionally strikes Y, here, as the

blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y .

14. In all cases in which judgment is given that a person is guilty of one of several

offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided if the same punishment is not provided for all.

15. Whenever any person is convicted of an offence for which under this Sanhita the

Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, namely: -

(a) a time not exceeding one month if the term of imprisonment shall not exceed

six months;

(b) a time not exceeding two months if the term of imprisonment shall exceed six

months and shall not exceed one year;

(c) a time not exceeding three months if the term of imprisonment shall exceed

one year.

16. In executing a sentence of solitary confinement, such confinement shall in no case

exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

17. Whoever, having been convicted by a Court in India, of an offence punishable

under Chapters X or Chapter XVII of this Sanhita with imprisonment of either description for a term of three years or upwards, shall be guilty of any offence punishable under either of those Chapters with like imprisonment for the like term, shall be subject for every such subsequent offence to imprisonment for life, or to imprisonment of either description for a term which may extend to ten years.

CHAPTER III

G

GENERAL EXCEPTIONS

18. Nothing is an offence which is done by a person who is, or who by reason of a

mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it.

Illustrations.

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence. Punishment of person guilty of one of several offences, judgment stating that it is doubtful of which. Limit of

solitary confinement.

Enhanced

punishment for certain offences after previous conviction.

Act done by a

person bound, or by mistake of fact believing himself bound, by law. Solitary confinement. 5

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(b) A, an officer of a Court, being ordered by that Court to arrest Y, and after due

enquiry, believing Z to be Y, arrests Z. A has committed no offence.

19. Nothing is an offence which is done by a Judge when acting judicially in the

exercise of any power which is, or which in good faith he believes to be, given to him by law.

20. Nothing which is done in pursuance of, or which is warranted by the judgment or

order of, a Court; if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

21. Nothing is an offence which is done by any person who is justified by law, or who

by reason of a mistake of fact and not by reason of a mistake of law in good faith, believes himself to be justified by law, in doing it.

Illustration.

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his

judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

22. Nothing is an offence which is done by accident or misfortune, and without any

criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Illustration.

A is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

23. Nothing is an offence merely by reason of its being done with the knowledge that

it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation. — It is a question of fact in such a case whether the harm to be prevented

or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations.

(a) A, the captain of a vessel, suddenly, and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B, with twenty or thirty passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only two passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down the boat C.

(b) A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention in good faith of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence. Act of Judge when acting judicially.

Act done

pursuant to judgment or order of Court.

Act done by a

person justified, or by mistake of fact believing himself justified, by law.

Accident in

doing a lawful act.

Act likely to

cause harm, but done without criminal intent, and to prevent other harm.

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24. Nothing is an offence which is done by a child under seven years of age.

25. Nothing is an offence which is done by a child above seven years of age and under

twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

26. Nothing is an offence which is done by a person who, at the time of doing it, by

reason of mental illness, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

27. Nothing is an offence which is done by a person who, at the time of doing it, is, by

reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law; unless that the thing which intoxicated him was administered to him without his knowledge or against his will.

28. In cases where an act done is not an offence unless done with a particular knowledge

or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

29. Nothing which is not intended to cause death, or grievous hurt, and which is not

known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person, above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Illustration .

A and Z agree to fence with each other for amusement. This agreement implies the

consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

30. Nothing, which is not intended to cause death, is an offence by reason of any harm

which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Illustration .

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who

suffers under the painful complaint, but not intending to cause Z's death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

31. Nothing which is done in good faith for the benefit of a person under twelve years

of age, or of person with mental illness, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person:

Provided that this exception shall not extend to--

(a) the intentional causing of death, or to the attempting to cause death;

(b) the doing of anything which the person doing it knows to be likely to cause Act of a child above seven and under twelve of immature understanding.

Act of a person of mental illness.

Act of a person incapable of judgment by reason of intoxication caused against this will.

Offence requiring a particular intent or knowledge committed by one who is intoxicated.

Act not intended and not known to be likely to cause death or grievous hurt, done by consent.

Act not intended to cause death, done by consent in good faith for person's benefit.

Act done in good faith for benefit of child or person with mental illness, by or by consent of guardian. Act of a child

under seven years of age.

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death, for any purpose other than the preventing of death or grievous hurt, or the

curing of any grievous disease or infirmity;

(c) the voluntary causing of grievous hurt, or to the attempting to cause grievous

hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;

(d) the abetment of any offence, to the committing of which offence it would not

extend.

Illustration .

A, in good faith, for his child's benefit without his child's consent, has his child cut for

the stone by a surgeon knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, in as much as his object was the cure of the child.

32. A consent is not such a consent as is intended by any section of this Sanhita,--

(a) if the consent is given by a person under fear of injury, or under a misconception

of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

(b) if the consent is given by a person who, from mental illness, or intoxication,

is unable to understand the nature and consequence of that to which he gives his consent; or

(c) unless the contrary appears from the context, if the consent is given by a

person who is under twelve years of age.

33. The exceptions in sections 21, 22 and 23 do not extend to acts which are offences

independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Illustration .

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is offence independently of any harm which it may cause or be intended to cause to the woman. Therefore, it is not an offence "by reason of such harm"; and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

34. Nothing is an offence by reason of any harm which it may cause to a person for

whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit:

Provided that exception shall not extend to--

(a) the intentional causing of death, or the attempting to cause death;

(b) the doing of anything which the person doing it knows to be likely to cause

death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

(c) the voluntary causing of hurt, or the attempting to cause hurt, for any

purpose other than the preventing of death or hurt;

(d) the abetment of any offence, to the committing of which offence it would not

extend.

Illustrations.

(1) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be given consent

known to be given under fear or misconception.

Exclusion of

acts which are offences independently of harm caused.

Act done in

good faith for benefit of a person without consent.

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14 be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the

trepan before Z recovers his power of judging for himself. A has committed no offence.

(2) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's bullet gives Z a mortal wound. A has committed no offence.

(3) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is no time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(4) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A

drops the child from the house top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation.— Mere pecuniary benefit is not benefit within the meaning of sections

21, 22 and 23.

35. No communication made in good faith is an offence by reason of any harm to the

person to whom it is made, if it is made for the benefit of that person. Illustration .

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live.

The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

36. Except murder, and offences against the State punishable with death, nothing is an

offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence:

Provided the person doing the act did not of his own accord, or from a reasonable

apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1.—A person who, of his own accord, or by reason of a threat of being

beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2.—A person seized by a gang of dacoits, and forced, by threat of instant

death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception.

37. Nothing is an offence by reason that it causes, or that it is intended to cause, or

that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

Of the right of private defence

38. Nothing is an offence which is done in the exercise of the right of private defence.

39. Every person has a right, subject to the restrictions contained in section 37, to

defend—

(a) his own body, and the body of any other person, against any offence affecting

the human body;

(b) the property, whether movable or immovable, of himself or of any other person, in good faith.

Act to which a

person is compelled by threats.

Act causing

slight harm.

Things done

in private defence.

Right of

private defence of body and of property.

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person, against any act which is an offence falling under the definition of theft, robbery,

mischievous or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

40. When an act, which would otherwise be a certain offence, is not that offence, by

reason of the youth, the want of maturity of understanding, the mental illness or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations.

(a) Z, under the influence of mental illness, attempts to kill A; Z is guilty of no offence.

But A has the same right of private defence which he would have if Z were sane.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith,

taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

41. (1) There is no right of private defence,—

(a) against an act which does not reasonably cause the apprehension of death

or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act, may not be strictly justifiable by law;

(b) against an act which does not reasonably cause the apprehension of death

or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law;

(c) in cases in which there is time to have recourse to the protection of the public authorities.

(2) The right of private defence in no case extends to the inflicting of more harm than

it is necessary to inflict for the purpose of defence.

Explanation 1.—A person is not deprived of the right of private defence against an act

done, or attempted to be done, by a public servant, as such, unless he knows or has reason to believe, that the person doing the act is such public servant.

Explanation 2.—A person is not deprived of the right of private defence against an act

done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction, or unless such person states the authority under which he acts, or if he has authority in writing, unless he produces such authority, if demanded.

42. The right of private defence of the body extends, under the restrictions specified in

section 37, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:—

(a) such an assault as may reasonably cause the apprehension that death will

otherwise be the consequence of such assault;

(b) such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

(c) an assault with the intention of committing rape;

(d) an assault with the intention of gratifying unnatural lust;

(e) an assault with the intention of kidnapping or abducting; Right of private defence against act of a person with mental illness, etc.

Acts against

which there is no right of private defence.

When the

right of private defence of body extends to causing death.5

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(f) an assault with the intention of wrongfully confining a person, under

circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release;

(g) an act of throwing or administering acid or an attempt to throw or administer

acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.

43. If the offence be not of any of the descriptions specified in section 38, the right of

private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions specified in section 37, to the voluntary causing to the assailant of any harm other than death.

44. The right of private defence of the body commences as soon as a reasonable

apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues.

45. The right of private defence of property extends, under the restrictions specified in

section 37, to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely:—

(a) robbery;

(b) house-breaking after sun set and before sun rise;

(c) mischief by fire or any explosive substance committed on any building, tent

or vessel, which building, tent or vessel is used as a human dwelling, or as a place for the custody of property;

(d) theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

46. If the offence, the committing of which, or the attempting to commit which occasions

the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions specified in section 41, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions specified in section 37, to the voluntary causing to the wrong-doer of any harm other than death.

47. The right of private defence of property,—

(a) commences when a reasonable apprehension of danger to the property commences;

(b) against theft continues till the offender has effected his retreat with the

property or either the assistance of the public authorities is obtained, or the property has been recovered;

(c) against robbery continues as long as the offender causes or attempts to

cause to any person death or hurt or wrongful restraint or as long as the fear of instant death or of instant hurt or of instant personal restraint continues;

(d) against criminal trespass or mischief continues as long as the offender

continues in the commission of criminal trespass or mischief;

(e) against house-breaking after sunset and before sun rise continues as long as

the house-trespass which has been begun by such house-breaking continues.

48. If in the exercise of the right of private defence against an assault which reasonably

causes the apprehension of death, the defender be so situated that he cannot effectually When such right extends to causing any harm other than death.

Commencement

and continuance of right of private defence of the body.

When right of

private defence of property extends to causing death.

When such

right extends to causing any harm other than death.

Commencement

and continuance of right of private defence of property.

Right of private

defence against deadly assault when there is risk of harm to innocent person.5

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exercise that right without risk of harm to an innocent person, his right of private defence

extends to the running of that risk.

Illustration .

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his

right of private defence without firing on the mob, and he cannot fire without risk of harming

young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children. CHAPTER IV

O

F ABETMENT , CRIMINAL CONSPIRACY AND ATTEMPT

Of Abetment

49. A person abets the doing of a thing, who—

(a) instigates any person to do that thing; or

(b) engages with one or more other person or persons in any conspiracy for the

doing of that thing, if an act or illegal omission takes place in pursuance of that

conspiracy, and in order to the doing of that thing; or

(c) intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment

of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration .

A, a public officer, is authorised by a warrant from a Court to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2. -Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

50. A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1. -The abetment of the illegal omission of an act may amount to an

offence although the abettor may not himself be bound to do that act.

Explanation 2. -To constitute the offence of abetment it is not necessary that the act

abetted should be committed, or that the effect requisite to constitute the offence should be caused.

Illustrations.

(a) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

(b) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers

from the wound. A is guilty of instigating B to commit murder.

Explanation 3.-It is not necessary that the person abetted should be capable by law

of committing an offence, or that he should have the same guilty intention or knowledge as

that of the abettor, or any guilty intention or knowledge. Abetment of thing.

Abettor.5

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Illustrations.

(a) A, with a guilty intention, abets a child or a person with mental illness to commit an

act which would be an offence, if committed by a person capable by law of committing an

offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(b) A, with the intention of murdering Z, instigates B, a child under seven years of age,

to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(c) A instigates B to set fire to a dwelling-house. B, in consequence of his mental illness, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4. —The abetment of an offence being an offence, the abetment of such

an abetment is also an offence.

Illustration .

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and

C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and, as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5. —It is not necessary to the commission of the offence of abetment by

conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed.

Illustration .

A concert with B a plan for poisoning Z. It is agreed that A shall administer the poison.

B then explains the plan to C mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section and is liable to the punishment for murder.

51. A person abets an offence within the meaning of this Sanhita who, in India, abets

the commission of any act without and beyond India which would constitute an offence if committed in India.

Illustration .

A, in India, instigates B, a foreigner in country X, to commit a murder in that country,

A is guilty of abetting murder.

52. A person abets an offence within the meaning of this Sanhita who, without and

beyond India, abets the commission of any act in India which would constitute an offence if committed in India.

Abetment in India of offences outside India.

Abetment

outside India for offence in India.5

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Illustration .

A, in country X, instigates B, to commit a murder in India, A is guilty of abetting murder.49. Whoever abets any offence shall, if the act abetted is committed in consequence of

the abetment, and no express provision is made by this Sanhita for the punishment of such abetment, be punished with the punishment provided for the offence.

Explanation. – An act or offence is said to be committed in consequence of abetment,

when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Illustration s.

(a) A instigates B to give false evidence. B, in consequence of the instigation, commits

that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(b) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the

poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

50. Whoever abets the commission of an offence shall, if the person abetted does the

act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

51. When an act is abetted and a different act is done, the abettor is liable for the act

done, in the same manner and to the same extent as if he had directly abetted it:

Provided that the act done was a probable consequence of the abetment, and was

committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Illustration s.

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y.

(b) A instigates B to burn Z's house, B sets fire to the house and at the same time

commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of

robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder.

52. If the act for which the abettor is liable under section 51 is committed in addition to

the act abetted, and constitute a distinct offence, the abettor is liable to punishment for each of the offences. Punishment of abetment if act abetted is committed in consequence and where no express provision is made for its punishment.

Punishment of

abetment if person abetted does act with different intention from that of abettor.

Liability of

abettor when one act abetted and different act done.

Abettor when

liable to cumulative punishment for act abetted and for act done.

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Illustration .

A instigates B to resist by force a distress made by a public servant. B, in consequence,

resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, B is liable to punishment for both these offences; and, if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to punishment for each of the offences.

53. When an act is abetted with the intention on the part of the abettor of causing a

particular effect, and an act for which the abettor is liable in consequence of the abetment, causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same

manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

Illustration .

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if A knew that the grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder.

54. Whenever any person, who is absent would be liable to be punished as an abettor,

is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

55. (1) Whoever abets the commission of an offence punishable with death or imprisonment for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made under this Sanhita for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(2) If any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Illustration .

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or imprisonment for life. Therefore A is liable to imprisonment for a term which may extend to seven years and also to a fine; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

56. (1) Whoever abets an offence punishable with imprisonment shall, if that offence

be not committed in consequence of the abetment, and no express provision is made by this Sanhita for the punishment of such abetment, be punished with imprisonment of any description provided for that offence for a term which may extend to one-fourth part of the longest term provided for that offence; or with such fine as is provided for that offence, or with both.

(2) If the abettor or the person abetted is a public servant, whose duty it is to prevent

the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations.

(a) A instigates B to give false evidence. Here, if B does not give false evidence, A has

nevertheless committed the offence defined in this section, and is punishable accordingly. Liability of abettor for effect caused by act abetted different from that intended by abettor.

Abettor

present when offence is committed.

Abetment of
offence punishable with death or imprisonment for life.

Abetment of
offence punishable with imprisonment.

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(b) A, a police-officer, whose duty it is to prevent robbery, abets the commission of

robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(c) B abets the commission of a robbery by A, a police-officer, whose duty it is to

prevent that offence. Here, though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

57. Whoever abets the commission of an offence by the public generally or by any

number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to seven years and with fine.

Illustration .

A affixes in a public place a placard instigating a sect consisting of more than ten

members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this section.

58. Whoever intending to facilitate or knowing it to be likely that he will thereby

facilitate the commission of an offence punishable with death or imprisonment for life, voluntarily conceals by any act or illegal omission, or by the use of encryption or any other information hiding tool, the existence of a design to commit such offence or makes any representation which he knows to be false respecting such design shall,--

(a) if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years; or

(b) if the offence be not committed, with imprisonment of either description, for

a term which may extend to three years,

and shall also be liable to fine.

Illustration .

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate

that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate with intent to facilitate the commission of the offence. The dacoity is committed at B in pursuance of the design. A is punishable under this section.

59. Whoever, being a public servant, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence which it is his duty as such public servant to prevent, voluntarily conceals, by any act or illegal omission or by the use of encryption or any other information hiding tool, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design shall,--

(a) if the offence be committed, be punished with imprisonment of any description

provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both; or

(b) if the offence be punishable with death or imprisonment for life, with imprisonment of either description for a term which may extend to ten years; or

(c) if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment or with such fine as is provided for the offence, or with both.

Illustration .

A, an officer of police, being legally bound to give information of all designs to commit

robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information, with intent to so facilitate the commission of that offence. A abetting commission of offence by public or by more than ten persons.

Concealing

design to commit offence punishable with death or imprisonment for life.

Public servant

concealing design to commit offence which it is his duty to prevent. 5

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Here A has by an illegal omission concealed the existence of B's design, and is liable to

punishment according to the provision of this section.

60. Whoever, intending to facilitate or knowing it to be likely that he will thereby

facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design shall,--

(a) if the offence be committed, be punished with imprisonment of the description

provided for the offence, for a term which may extend to one-fourth; and

(b) if the offence be not committed, to one-eighth, of the longest term of such

imprisonment, or with such fine as is provided for the offence, or with both.

Of Criminal conspiracy

61. (1) When two or more persons agree to do, or cause to be done--

(a) an illegal act; or

(b) an act which is not illegal by illegal means, such an agreement is designated

a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to

a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation.— It is immaterial whether the illegal act is the ultimate object of such

agreement, or is merely incidental to that object.

(2) Whoever is a party to a criminal conspiracy,--

(a) to commit an offence punishable with death, imprisonment for life or rigorous

imprisonment for a term of two years or upwards, shall, where no express provision is made in this Sanhita for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence;

(b) other than a criminal conspiracy to commit an offence punishable as aforesaid

shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

Of attempt

62. Whoever attempts to commit an offence punishable by this Sanhita with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Sanhita for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both.

Illustration .

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so

opening the box, that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A

fails in the attempt in consequence of Z's having nothing in his pocket. A is guilty under this section. Concealing design to commit offence punishable with imprisonment.

Criminal

conspiracy.

Punishment for

attempting to commit offences punishable with imprisonment for life

or other imprisonment. 5

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4023CHAPTER V

OF OFFENCES AGAINST WOMAN AND CHILDREN

Of Sexual offences

63. A man is said to commit "rape" if he—

(a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of

a woman or makes her to do so with him or any other person; or

(b) inserts, to any extent, any object or a part of the body, not being the penis,

into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or

(c) manipulates any part of the body of a woman so as to cause penetration into

the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or

(d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do

so with him or any other person,

under the circumstances falling under any of the following seven descriptions: —

(i) against her will.

(ii) without her consent.

(iii) with her consent, when her consent has been obtained by putting her or

any person in whom she is interested, in fear of death or of hurt.

(iv) with her consent, when the man knows that he is not her husband and that

her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

(v) with her consent when, at the time of giving such consent, by reason of

mental illness or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

(vi) with or without her consent, when she is under eighteen years of age.

(vii) when she is unable to communicate consent.

Explanation 1.—For the purposes of this section, "vagina" shall also include labia

majora.

Explanation 2. —Consent means an unequivocal voluntary agreement when the woman

by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall

not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception. 1—A medical procedure or intervention shall not constitute rape.

Exception. 2—Sexual intercourse or sexual acts by a man with his own wife, the wife

not being under eighteen years of age, is not rape.

64. (1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever,—

(a) being a police officer, commits rape,—Rape.

Punishment

for rape.5

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(i) within the limits of the police station to which such police officer is

appointed; or

(ii) in the premises of any station house; or

(iii) on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or

(b) being a public servant, commits rape on a woman in such public servant's

custody or in the custody of a public servant subordinate to such public servant; or

(c) being a member of the armed forces deployed in an area by the Central Government or a State Government commits rape in such area; or

(d) being on the management or on the staff of a jail, remand home or other place

of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or

(e) being on the management or on the staff of a hospital, commits rape on a

woman in that hospital; or

(f) being a relative, guardian or teacher of, or a person in a position of trust or

authority towards the woman, commits rape on such woman; or

(g) commits rape during communal or sectarian violence; or

(h) commits rape on a woman knowing her to be pregnant; or

(i) commits rape, on a woman incapable of giving consent; or

(j) being in a position of control or dominance over a woman, commits rape on

such woman; or

(k) commits rape on a woman suffering from mental illness or physical disability; or

(l) while committing rape causes grievous bodily harm or maims or disfigures or

endangers the life of a woman; or

(m) commits rape repeatedly on the same woman,

shall be punished with rigorous imprisonment for a term which shall not be less than ten

years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Explanation. -For the purposes of this sub-section,-

(a) "armed forces" means the naval, army and air forces and includes any member

of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;

(b) "hospital" means the precincts of the hospital and includes the precincts of

any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation;

(c) "police officer" shall have the same meaning as assigned to the expression

"police" under the Police Act, 1861;

(d) "women's or children's institution" means an institution, whether called an

orphanage or a home for neglected women or children or a widow's home or an institution called by any other name, which is established and maintained for the reception and care of women or children.

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65. (1) Whoever, commits rape on a woman under sixteen years of age shall be

punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and

rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the

victim.

(2) Whoever, commits rape on a woman under twelve years of age shall be punished

with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death:

Provided that such fine shall be just and reasonable to meet the medical expenses and

rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.66. Whoever, commits an offence punishable under sub-section (

1) or sub-section (2)

of section 64 and in the course of such commission inflicts an injury which causes the death of the woman or causes the woman to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, or with death.

67. Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.

Explanation.— In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 63.

68. Whoever, being—

(a) in a position of authority or in a fiduciary relationship; or

(b) a public servant; or

(c) superintendent or manager of a jail, remand home or other place of custody

established by or under any law for the time being in force, or a women's or children's institution; or

(d) on the management of a hospital or being on the staff of a hospital, abuses

such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape,

shall be punished with rigorous imprisonment of either description for a term which shall not

be less than five years, but which may extend to ten years, and shall also be liable to fine.

Explanation 1.—In this section, "sexual intercourse" shall mean any of the acts

mentioned in clauses (a) to (d) of section 63.

Explanation 2.—For the purposes of this section, Explanation 1 to section 63 shall

also be applicable.

Explanation 3. —"Superintendent", in relation to a jail, remand home or other place of

custody or a women's or children's institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which such person can exercise any authority or control over its inmates. Punishment for rape in certain cases.

Punishment

for causing death or resulting in persistent vegetative state of victim.

Sexual

intercourse by husband upon his wife during separation or by person in authority.

Sexual

intercourse by person in authority. 5

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Explanation 4.—The expressions "hospital" and "women's or children's institution" shall respectively have the same meaning as in Explanation to sub-section (2) of section 64.

69. Whoever, by deceitful means or making by promise to marry to a woman without any intention of fulfilling the same, and has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Explanation.--- "deceitful means" shall include the false promise of employment or promotion, inducement or marrying after suppressing identity.

70. (1) Where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine: Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: Provided further that any fine imposed under this sub-section shall be paid to the victim.

(2) Where a woman under eighteen years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine, or with death: Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: Provided further that any fine imposed under this sub-section shall be paid to the victim.

71. Whoever has been previously convicted of an offence punishable under section 63 or section 64 or section 65 or section 66 or section 67 and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.

72. (1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under section 63 or section 64 or section 65 or section 66 or section 67 or section 68 is

alleged or found to have been committed(hereafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

(2) Nothing in sub-section (1) extends to any printing or publication of the name or

any matter which may make known the identity of the victim if such printing or publication is—

(a) by or under the order in writing of the officer-in-charge of the police station

or the police officer making the investigation into such offence acting in good faith for the purposes of such investigation; or

(b) by, or with the authorisation in writing of, the victim; or

(c) where the victim is dead or minor or person with mental illness, by, or with the

authorisation in writing of, the next of kin of the victim:

Provided that no such authorisation shall be given by the next of kin to anybody

other than the chairman or the secretary, by whatever name called, of any recognised welfare institution or organisation. Sexual intercourse by employing deceitful means, etc.

Gang rape.

Punishment

for repeat offenders.

Disclosure of

identity of victim of certain offences, etc.5

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Explanation.— For the purposes of this sub-section, "recognised welfare institution

or organisation" means a social welfare institution or organisation

recognised in this behalf by the Central Government or State Government.

(3) Whoever prints or publishes any matter in relation to any proceeding before a

court with respect to an offence referred to in sub-section (1) without the previous permission

of such court shall be punished with imprisonment of either description

for a term which may extend to two years and shall also be liable to fine.

Explanation.— The printing or publication of the judgment of any High Court or the

Supreme Court does not amount to an offence within the meaning of this section.

Of criminal force and assault against women

73. Whoever assaults or uses criminal force to any woman, intending to outrage or

knowing it to be likely that he will thereby outrage her modesty, shall

be punished with imprisonment of either description for a term which shall

not be less than one year but which may extend to five years, and shall

also be liable to fine.

74. (1) A man committing any of the following acts—

(i) physical contact and advances involving unwelcome and explicit sexual overtures; or

(ii) a demand or request for sexual favours; or

(iii) showing pornography against the will of a woman; or

(iv) making sexually coloured remarks,

shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii)

of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend

to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall

be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

75. Whoever assaults or uses criminal force to any woman or abets such act with the

intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

76. Whoever watches, or captures the image of a woman engaging in a private act in

circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

Explanation 1.—For the purpose of this section, "private act" includes an act of

watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim's genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public.

Explanation 2.—Where the victim consents to the capture of the images or any act,

but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under this section. Assault or criminal force to woman with intent to outrage her modesty.

Sexual

harassment and punishment for sexual harassment.

Assault or use

of criminal force to woman with intent to disrobe.

Voyeurism.5

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77. (1) Any man who—

(i) follows a woman and contacts, or attempts to contact such woman to foster

personal interaction repeatedly despite a clear indication of disinterest by such woman; or

(ii) monitors the use by a woman of the internet, e-mail or any other form of

electronic communication,

commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it

proves that—

(i) it was pursued for the purpose of preventing or detecting crime and the man

accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or

(ii) it was pursued under any law or to comply with any condition or requirement

imposed by any person under any law; or

(iii) in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with

imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or

subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

78. Whoever, intending to insult the modesty of any woman, utters any words, makes

any sound or gesture, or exhibits any object in any form, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.

Of offences relating to marriage

79. (1) Where the death of a woman is caused by any burns or bodily injury or occurs

otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Explanation.— For the purposes of this sub-section, "dowry" shall have the same

meaning as in section 2 of the Dowry Prohibition Act, 1961.

(2) Whoever commits dowry death shall be punished with imprisonment for a term

which shall not be less than seven years but which may extend to imprisonment for life.

80. Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

81. (1) Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception.— This sub-section does not extend to any person whose marriage with

such husband or wife has been declared void by a Court of competent jurisdiction, nor to

any person who contracts a marriage during the life of a former husband or wife, if such

husband or wife, at the time of the subsequent marriage, shall have been continually absentStalking.

Word, gesture

or actintended toinsult modestyof woman.

Dowry death.

Cohabitation

caused by mandeceitfullyinducingbelief of lawfulmarriage.

Marrying

again duringlifetime ofhusband orwife.28 of 1961.5

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from such person for the space of seven years, and shall not have been heard of by such

person as being alive within that time provided the person contracting such subsequentmarriage shall, before such marriage takes place, inform the person with whom such marriageis contracted of the real state of facts so far as the same are within his or her knowledge.

(2) Whoever commits the offence under sub-section (1) having concealed from the

person with whom the subsequent marriage is contracted, the fact of the former marriage,shall be punished with imprisonment of either description for a term which may extend to tenyears, and shall also be liable to fine.

82. Whoever, dishonestly or with a fraudulent intention, goes through the ceremony

of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

83. Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

84. Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purposes of this section, "cruelty" means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman

to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing

her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

85. Whoever kidnaps or abducts any woman with intent that she may be compelled, or

knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and whoever, by means of criminal intimidation as defined in this Sanhita or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

Of the causing of miscarriage, etc.

86. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage

be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation.— A woman who causes herself to miscarry, is within the meaning of this section.

87. Whoever commits the offence under section 86 without the consent of the woman,

whether the woman is quick with child or not, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Marriage ceremony fraudulently gone through without lawful marriage.

Enticing or
taking away or detaining with criminal intent married woman.
Husband or
relative of husband or woman subjecting her to cruelty.
Kidnapping,
abducting or inducing woman to compel her marriage, etc.
Causing
miscarriage.
Causing
miscarriage without woman's consent. 5

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88. (1) Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Where the act referred to in sub-section (1) is done without the consent of the woman, shall be punishable either with imprisonment for life, or with the punishment specified in said sub-section.

Explanation.— It is not essential to this offence that the offender should know that

the act is likely to cause death.

89. Whoever before the birth of any child does any act with the intention of thereby

preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

90. Whoever does any act under such circumstances, that if he thereby caused death

he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Illustration .

A, knowing that he is likely to cause the death of a pregnant woman, does an act

which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this section.

Of offences against children

91. Whoever being the father or mother of a child under the age of twelve years, or

having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation.— This section is not intended to prevent the trial of the offender for

murder or culpable homicide, as the case may be, if the child die in consequence of the exposure.

92. Whoever, by secretly burying or otherwise disposing of the dead body of a child

whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

93. Whoever hires, employs or engages any person below the age of eighteen years

to commit an offence shall be punished with imprisonment of either description or fine provided for that offence as if the offence has been committed by such person himself.

Explanation.— Hiring, employing, engaging or using a child for sexual exploitation or

pornography is covered within the meaning of this section.

94. Whoever, by any means whatsoever, induces any child below the age of eighteen

years to go from any place or to do any act with intent that such child below the age of eighteen years may be, or knowing that it is likely that such child will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

95. Whoever kidnaps or abducts any child under the age of ten years with the intention

of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Death caused by act done with intent to cause miscarriage.

Act done with

intent to prevent child being born alive or to cause it to die after birth.

Causing death

of quick unborn child by act amounting to culpable homicide.

Exposure and

abandonment of child under twelve years, by parent or person having care of it.

Concealment

of birth by secret disposal of dead body.

Hiring,

employing or engaging a child to commit an offence.

Procuration of

child.

Kidnapping or

abducting child under ten years with

intent to steal

from its person. 5

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96. Whoever sells, lets to hire, or otherwise disposes of child below eighteen years of age with intent that such child shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation 1.—When a female under the age of eighteen years is sold, let for hire, or

otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

Explanation 2.—For the purposes of this section “illicit intercourse” means sexual

intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognised by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.

97. Whoever buys, hires or otherwise obtains possession of any child below the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to fourteen years, and shall also be liable to fine.

Explanation 1.—Any prostitute or any person keeping or managing a brothel, who

buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

Explanation 2.—“Illicit intercourse” has the same meaning as in section

96. CHAPTER VI

O

F OFFENCES AFFECTING THE HUMAN BODY

Of offences affecting life

98. Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Illustrations.

(a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with

the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

(b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or

knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

(c) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush;

A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.

Explanation 1.—A person who causes bodily injury to another who is labouring

under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death. Selling child for purposes of prostitution, etc.

Buying child

for purposes of prostitution, etc.

Culpable

homicide.5

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Explanation 2.—Where death is caused by bodily injury, the person who causes such

bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3.—The causing of the death of a child in the mother's womb is not

homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

99. Except in the cases hereinafter excepted, culpable homicide is murder,--

(a) if the act by which the death is caused is done with the intention of causing death; or

(b) if the act by which the death is caused is done with the intention of causing

such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or

(c) if the act by which the death is caused is done with the intention of causing

bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or

(d) if the person committing the act by which the death is caused, knows that it

is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Illustrations.

(a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(b) A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

(c) A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of

a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death.

(d) A without any excuse fires a loaded cannon into a crowd of persons and kills one

of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

Exception 1.—Culpable homicide is not murder if the offender, whilst deprived of the

power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident:

Provided that the provocation is not,—

(a) sought or voluntarily provoked by the offender as an excuse for killing or

doing harm to any person;

(b) given by anything done in obedience to the law, or by a public servant in the

lawful exercise of the powers of such public servant;

(c) given by anything done in the lawful exercise of the right of private defence.

Explanation.—Whether the provocation was grave and sudden enough to prevent

the offence from amounting to murder is a question of fact. Murder. 5

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Illustration s.

(a) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, in as much as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(b) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.

(c) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, in as much as the provocation was given by a thing done by a public servant in the exercise of his powers.

(d) A appears as a witness before Z, a Magistrate. Z says that he does not believe a

word of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.

(e) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, in as much as the provocation was giving by a thing done in the exercise of the right of private defence.

(f) Z strikes B. B is by this provocation excited to violent rage. A, a bystander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2.—Culpable homicide is not murder if the offender in the exercise in good

faith of the right of private defence of person or property, exceeds the power given to him by

law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Illustration .

Z attempts to horsewhip A, not in such a manner as to cause grievous hurt to A. A

draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other

means prevent himself from being horsewhipped, shoots Z dead. A has not committed murder, but only culpable homicide.

Exception 3.—Culpable homicide is not murder if the offender, being a public servant

or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be

lawful and necessary for the due discharge of his duty as such public servant and without

ill-will towards the person whose death is caused.

Exception 4.—Culpable homicide is not murder if it is committed without premeditation

in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.

Explanation.— It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5.—Culpable homicide is not murder when the person whose death is caused,

being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

Illustration .

A, by instigation, voluntarily causes Z, a person under eighteen years of age to

commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

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100. If a person, by doing anything which he intends or knows to be likely to cause

death, commits culpable homicide by causing the death of any person, whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

101. (1) Whoever commits murder shall be punished with death or imprisonment for

life, and shall also be liable to fine.

(2) When a group of five or more persons acting in concert commits murder on the

ground of race, caste or community, sex, place of birth, language, personal belief or any other ground each member of such group shall be punished with death or with imprisonment for life or imprisonment for a term which shall not be less than seven years, and shall also be liable to fine.

102. Whoever, being under sentence of imprisonment for life, commits murder, shall be

punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life.

103. Whoever commits culpable homicide not amounting to murder, shall be punished

with imprisonment for life, or imprisonment of either description for a term which shall not be less than five years but which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or with imprisonment of either

description for a term which may extend to ten years and with fine, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

104. (1) Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide and escapes from the scene of incident or fails to report the incident to a Police officer or Magistrate soon after the incident, shall be punished with imprisonment of either description of a term which may extend to ten years, and shall also be liable to fine.

105. If any person under eighteen years of age, any person with mental illness, any

delirious person or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

106. If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

107. (1) Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

(2) When any person offending under sub-section (1) is under sentence of imprisonment

for life, he may, if hurt is caused, be punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life. Culpable homicide by causing death of person other than person whose death was intended.

Punishment

for murder.

Punishment

for murder by life-convict.

Punishment

for culpable homicide not amounting to murder.

Causing death

by negligence.

Abetment of

suicide of child or person with mental illness.

Abetment of

suicide.

Attempt to

murder.

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Illustration s.

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued A would be guilty of murder. A is liable to punishment under this section.

(b) A, with the intention of causing the death of a child of tender years, exposes it in a desert place. A has committed the offence defined by this section, though the death of the child does not ensue.

(c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and, if by such firing he wounds Z, he is liable to the punishment provided by the latter part of the first paragraph of this section.

(d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence defined in this section. A places the food on Z's table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this section.

108. Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Illustration .

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that

if he thereby caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.

109. (1) Any continuing unlawful activity including kidnapping, robbery, vehicle theft,

extortion, land grabbing, contract killing, economic offences, cyber-crimes having severe consequences, trafficking in people, drugs, illicit goods or services and weapons, human trafficking racket for prostitution or ransom by the effort of groups of individuals acting in concert, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, corruption or related activities or other unlawful means to obtain direct or indirect, material benefit including a financial benefit, shall constitute organised crime.

Explanation.— For the purposes of this sub-section,—

(i) 'benefit' includes property, advantage, service, entertainment, the use of or

access to property or facilities, and anything of benefit to a person whether or not it has any inherent or tangible value, purpose or attribute;
(ii) "organised crime syndicate" means a criminal organisation or group of three

or more persons who, acting either singly or collectively in concert, as a syndicate, gang, mafia, or (crime) ring indulging in commission of one or more serious offences or involved in gang criminality, racketeering, and syndicated organised crime;

(iii) "continuing unlawful activity" means an activity prohibited by law, which is

a cognizable offence undertaken either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheet has been filed before a competent court within the preceding period of ten years and that court has taken cognizance of such offence;

(iv) "economic offences" include criminal breach of trust; forgery, counterfeiting

of currency and valuable securities, financial scams, running Ponzi schemes, mass-marketing fraud or multi-level marketing schemes with a view to defraud the people at large for obtaining the monetary benefits or large scale organised betting in any form, offences of money laundering and hawala transactions. Attempt to commit culpable homicide.

Organised

crime.5

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(2) Whoever, attempts to commit or commits an offence of organised crime shall, -

(i) if such offence has resulted in the death of any person, be punishable with

death or imprisonment for life and shall also be liable to fine which shall not be less than rupees ten lakhs;

(ii) in any other case, be punishable with imprisonment for a term which shall not

be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(3) Whoever, conspires or organises the commission of an organised crime, or assists, facilitates or otherwise engages in any act preparatory to an organised crime, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(4) Any person who is a member of an organised crime syndicate shall be punishable

with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(5) Whoever, intentionally harbours or conceals or attempts to harbour or conceal any

person who has committed the offence of an organised crime or any member of an organised crime syndicate or believes that his act will encourage or assist the doing of such crime shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs:

Provided that this sub-section shall not apply to any case in which the harbour or

concealment is by the spouse of the offender.

(6) Whoever, holds any property derived, or obtained from the commission of an

organised crime or proceeds of any organised crime or which has been acquired through the organised crime syndicate funds shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees two lakhs.

(7) If any person on behalf of a member of an organised crime syndicate is, or at any

time has been in possession of movable or immovable property which he cannot satisfactorily account for, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for ten years and shall also be liable to fine which shall not be less than rupees one lakh and such property shall also be liable for attachment and forfeiture.

Explanation.-- For the purposes of this section, "proceeds of any organised crime"

means all kind of properties which have been derived or obtained from commission of any organised crime or have acquired through funds traceable to any organised crime and shall include cash, irrespective of person in whose name such proceeds are standing or in whose possession they are found.

110. (1) Any crime that causes general feelings of insecurity among citizens relating to

theft of vehicle or theft from vehicle, domestic and business theft, trick theft, cargo crime, theft (attempt to theft, theft of personal property), organised pick pocketing, snatching, theft through shoplifting or card skimming and Automated Teller Machine thefts or procuring money in unlawful manner in public transport system or illegal selling of tickets and selling of public examination question papers and such other common forms of organised crime committed by organised criminal groups or gangs, shall constitute petty organised crimes and shall include the said crimes when committed by mobile organised crime groups or gangs that create network of contacts, anchor points, and logistical support among themselves to carry out number of offences in region over a period before moving on.

(2) Whoever commits or attempts to commit any petty organised crime, under sub-section (1) shall be punished with imprisonment for a term which shall not be less than

one year but which may extend to seven years, and shall also be liable to fine.

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111. (1) A person is said to have committed a terrorist act if he commits any act in India

or in any foreign country with the intention to threaten the unity, integrity and security of India, to intimidate the general public or a segment thereof, or to disturb public order by doing an act,--

(i) using bombs, dynamite or any other explosive substance or inflammable material or firearms or other lethal weapons or poison or noxious gases or other chemicals

or any other substance (whether biological or otherwise) hazardous in nature in such a manner so as to create an atmosphere or spread a message of fear, to cause death or

serious bodily harm to any person, or endangers a person's life;

(ii) to cause damage or loss due to damage or destruction of property or disruption

of any supplies or services essential to the life of the community, destruction of a

Government or public facility, public place or private property;

(iii) to cause extensive interference with, damage or destruction to critical

infrastructure;

(iv) to provoke or influence by intimidation the Government or its organisation,

in such a manner so as to cause or likely to cause death or injury to any public

functionary or any person or an act of detaining any person and threatening to kill or

injure such person in order to compel the Government to do or abstain from doing any

act, or destabilise or destroy the political, economic, or social

structures of the country, or create a public emergency or undermine public safety;

(v) included within the scope of any of the Treaties listed in the Second Schedule

to the Unlawful Activities (Prevention) Act, 1967.

(2) Whoever, attempts to commit or commits an offence of terrorist act shall,--

(i) if such offence has resulted in the death of any person, be punishable with

death or imprisonment for life without the benefit of parole, and shall also be liable to

fine which shall not be less than rupees ten lakhs;

(ii) in any other case, be punishable with imprisonment for a term which shall not

be less than five years but which may extend to imprisonment for life, and shall also be

liable to fine which shall not be less than rupees five lakhs.

(3) Whoever, conspires, organises or causes to be organised any organisation, association or a group of persons for terrorist acts, or assists, facilitates or otherwise conspires to engage in any act preparatory to any terrorist act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than rupees five lakhs.

(4) Any person, who is a member of terrorist organisation, which is involved in terrorist act, shall be punishable with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than rupees five lakhs.

(5) Whoever, intentionally harbours or conceals or attempts to harbour or conceal any person who has committed an offence of any terrorist act shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than rupees five lakh:

Provided that this sub-section shall not apply to any case in which the harbour or concealment is by the spouse of the offender.

(6) Whoever, holds any property directly or indirectly, derived or obtained from commission of terrorist act or proceeds of terrorism, or acquired through the terrorist fund, or possesses, provides, collects or uses property or funds or makes available property, funds or financial service or other related services, by any means, to be used, in full or in part to Offence if terrorist act.

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carry out or facilitate the commission of any terrorist act, shall be punishable with imprisonment for a term which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs and such property shall also be liable for attachment and forfeiture.

Explanation .- For the purposes of this section,--

(a) "terrorist" refers to any person who—
(i) develops, manufactures, possesses, acquires, transports, supplies or uses weapons, explosives, or releases nuclear, radiological or other dangerous substance, or cause fire, floods or explosions;
(ii) commits, or attempts, or conspires to commit terrorist acts by any means, directly or indirectly;
(iii) participates, as a principal or as an accomplice, in terrorist acts;
(b) the expression "proceeds of terrorism" shall have the same meaning as assigned to it in clause (g) of section 2 of the Unlawful Activities (Prevention) Act, 1967;
(c) "terrorist organisation, association or a group of persons" refers to any entity owned or controlled by any terrorist or group of terrorists that—
(i) commits, or attempts to commit, terrorist acts by any means, directly or indirectly;—
(ii) participates in acts of terrorism;—
(iii) prepares for terrorism;—
(iv) promotes terrorism;—(v) organises or directs others to commit terrorism;—
(vi) contributes to the commission of terrorist acts by a group of persons acting with common purpose of furthering the terrorist act where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act; or
(vii) is otherwise involved in terrorism; or
(viii) any organisation listed in the First Schedule to the Unlawful Activities (Prevention) Act, 1967 or an organisation operating under the same name as an organisation so listed.

Of hurt

112. Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

113. (1) Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt".

(2) Whoever, except in the case provided for by sub-section (1) of section 120 voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

114. The following kinds of hurt only are designated as "grievous", namely:--

- (a) Emasculation.
- (b) Permanent privation of the sight of either eye.
- (c) Permanent privation of the hearing of either ear.
- (d) Privation of any member or joint.
- (e) Destruction or permanent impairing of the powers of any member or joint.
- (f) Permanent disfiguration of the head or face.

(g) Fracture or dislocation of a bone or tooth.

(h) Any hurt which endangers life or which causes the sufferer to be during the space of fifteen days in severe bodily pain, or unable to follow his ordinary pursuits.

115. (1)Whoever voluntarily causes hurt, if the hurt which he intends to cause or

knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt".Hurt.

Voluntarily.

causing hurt.

Grievous hurt.

Voluntarily

causing grievous hurt.37 of 1967.

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(2) Whoever, except in the case provided for by sub-section (3), voluntarily causes

grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation. -A person is not said voluntarily to cause grievous hurt except when he

both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration.

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives

Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of fifteen days. A has voluntarily caused grievous hurt.

(3) Whoever commits an offence under sub-section (1) and in the course of such

commission causes any hurt to a person which causes that person to be in permanent disability or in persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life.

(4) When grievous hurt of a person is caused by a group of five or more persons on the

ground of his, race, caste, sex, place of birth, language, personal belief or any other ground, each member of such group shall be guilty of the offence of causing grievous hurt, and shall be punished with imprisonment

of either description for a term which may extend to seven years, and shall also be liable to fine.

116. (1) Whoever, except in the case provided for by sub-section (1) of section 120, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to twenty thousand rupees, or with both.

(2) Whoever, except in the case provided for by sub-section (2) of section 120, voluntarily causes grievous hurt by any means referred to in sub-section (1), shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than one year but which may extend to ten years, and shall also be liable to fine.

117. (1) Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever voluntarily causes grievous hurt for any purpose referred to in sub-section (1), shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

118. (1) Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property. Voluntarily causing hurt or grievous hurt by dangerous weapons or means. Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property. 5

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(2) Whoever voluntarily causes grievous hurt for any purpose referred to in

sub-section (1), shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Illustrations.

(a) A, a police-officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.

(b) A, a police-officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.

(c) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of

revenue due from Z. A is guilty of an offence under this section.

119. (1) Whoever voluntarily causes hurt to any person being a public servant in the

discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(2) Whoever voluntarily causes grievous hurt to any person being a public servant in

the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to ten years, and shall also be liable to fine.

120. (1) Whoever voluntarily causes hurt on grave and sudden provocation, if he

neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

(2) Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he

neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine which may extend to ten thousand rupees, or with both.

Explanation. -This section is subject to the same provision as Exception 1,

section 99.

121. Whoever administers to or causes to be taken by any person any poison or any

stupefying, intoxicating or unwholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

122. (1) Whoever causes permanent or partial damage or deformity to, or burns or

maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt or causes a person to be in a permanent vegetative state shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses of

the treatment of the victim: Voluntarily causing hurt or grievous hurt to deter public servant from his duty.

Voluntarily

causing hurt or grievous hurt on provocation.

Causing hurt

by means of poison, etc., with intent to commit an offence.

Voluntarily

causing hurt or grievous hurt by use of acid, etc. 5

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Provided further that any fine imposed under this section shall be paid to the victim.

(2) Whoever throws or attempts to throw acid on any person or attempts to administer

acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

Explanation 1.—For the purposes of this section, "acid" includes any substance

which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

Explanation 2.—For the purposes of this section, permanent or partial damage or

deformity or permanent vegetative state, shall not be required to be irreversible.

123. Whoever does any act so rashly or negligently as to endanger human life or the

personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two thousand five hundred rupees, or with both, but—

(a) where the hurt is caused, shall be punished with imprisonment of either

description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both;

(b) where grievous hurt is caused, shall be punished with imprisonment of

either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees

, or with both.

Of wrongful restraint and wrongful confinement

124. (1) Whoever voluntarily obstructs any person so as to prevent that person from

proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception. —The obstruction of a private way over land or water which a person in

good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

Illustration.

A obstructs a path along which Z has a right to pass, A not believing in good faith that

he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

(2) Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

125. (1) Whoever wrongfully restrains any person in such a manner as to prevent that

person from proceedings beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustrations.

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from

proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) A places men with firearms at the outlets of a building, and tells Z that they will fire

at Z if Z attempts to leave the building. A wrongfully confines Z.

(2) Whoever wrongfully confines any person shall be punished with imprisonment of

either description for a term which may extend to one year, or with fine which may extend to five thousand rupees

, or with both. Act endangering life or personal safety of others.

Wrongful

restraint.

Wrongful

Confinement. 5

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(3) Whoever wrongfully confines any person for three days, or more, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both

(4) Whoever wrongfully confines any person for ten days or more, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine which shall not be less than ten thousand rupees.

(5) Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any term of imprisonment to which he may be liable under any other section of this Chapter and shall also be liable to fine.

(6) Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to three years in addition to any other punishment to which he may be liable for such wrongful confinement and shall also be liable to fine.

(7) Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security or of constraining the person confined or any person interested in such person to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(8) Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Of criminal force and assault

126. A person is said to use force to another if he causes motion, change of motion, or

cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling:

Provided that the person causing the motion, or change of motion, or cessation of

motion, causes that motion, change of motion, or cessation of motion in one of the following three ways, namely:--

(a) by his own bodily power;

(b) by disposing any substance in such a manner that the motion or change or

cessation of motion takes place without any further act on his part, or on the part of any other person;

(c) by inducing any animal to move, to change its motion, or to cease to move.

Force.5

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127. Whoever intentionally uses force to any person, without that person's consent,

in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations.

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus

intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other action on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.

(b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to

quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has used criminal force to Z.

(c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the

palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence. A has used criminal force to Z.

(d) A intentionally pushes against Z in the street. Here A has by his own bodily

power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.

(e) A throw a stone, intending or knowing it to be likely that the stone will be thus

brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z, or Z's clothes, A has used force to Z, and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.

(f) A intentionally pulls up a Woman's veil. Here A intentionally uses force to her,

and if he does so without her consent intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.

(g) Z is bathing. A pours into the bath water which he knows to be boiling. Here

A intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling; A has therefore intentionally used force to Z; and if he has done this without Z's consent intending or knowing it to be likely that he may thereby cause injury, fear or annoyance to Z, A has used criminal force.

(h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to

cause injury, fear or annoyance to Z, he uses criminal force to Z.

128. Whoever makes any gesture, or any preparation intending or knowing it to be

likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault. Criminal force. Assault. 5

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Explanation. -Mere words do not amount to an assault. But the words which a

person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations.

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby

cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(c) A takes up a stick, saying to Z, "I will give you a beating". Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

129. Whoever assaults or uses criminal force to any person otherwise than on grave

and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both. Explanation. - Grave and sudden provocation will not mitigate the punishment for an

offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence, or

if the provocation is given by anything done in obedience to the law, or by a public

servant, in the lawful exercise of the powers of such public servant, or if the provocation is given by anything done in the lawful exercise of the right of

private defence.

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

130. Whoever assaults or uses criminal force to any person being a public servant in

the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

131. Whoever assaults or uses criminal force to any person, intending thereby to

dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

132. Whoever assaults or uses criminal force to any person, in attempting to commit

theft on any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

133. Whoever assaults or uses criminal force to any person, in attempting wrongfully

to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both. Punishment

for assault or

criminal force

otherwise than

on grave
provocation.

Assault or
criminal force to deter public servant from discharge of his duty.

Assault or
criminal force with intent to dishonour person, otherwise than on
grave provocation.

Assault or
criminal force in attempt to commit theft of property carried by a person.

Assault or
criminal force in attempt wrongfully to confine a person.⁵

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134. Whoever assaults or uses criminal force to any person on grave and
sudden

provocation given by that person, shall be punished with simple
imprisonment for a term which may extend to one month, or with fine which
may extend to one thousand rupees, or with both.

Explanation.— This section is subject to the same Explanation as section
129.

Of Kidnapping, Abduction, Slavery and Forced Labour

135. (1) Kidnapping is of two kinds: kidnapping from India, and kidnapping
from

lawful guardianship--

(a) whoever conveys any person beyond the limits of India without the
consent

of that person, or of some person legally authorised to consent on behalf
of that person, is said to kidnap that person from India;

(b) whoever takes or entices any child below the age of eighteen years or
any

person with mental illness, out of the keeping of the lawful guardian of
such child or

person with mental illness, without the consent of such guardian, is said
to kidnap

such child or person from lawful guardianship.

Explanation. --The words "lawful guardian" in this clause include any
person

lawfully entrusted with the care or custody of such child or other person.

Exception. --This clause does not extend to the act of any person who in
good

faith believes himself to be the father of an illegitimate child below the
age of eighteen years, or who in good faith believes himself to be entitled
to the lawful custody of such child, unless such act is committed for an
immoral or unlawful purpose.

(2) Whoever kidnaps any person from India or from lawful guardianship
shall be

punished with imprisonment of either description for a term which may
extend to seven years, and shall also be liable to fine.

136. Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

137. (1) Whoever kidnaps any child below the age of eighteen years or, not being the lawful guardian of such child, obtains the custody of the child, in order that such child may be employed or used for the purposes of begging shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever maims any child below the age of eighteen years in order that such child may be employed or used for the purposes of begging shall be punishable with imprisonment which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine.

(3) Where any person, not being the lawful guardian of a child below the age of eighteen years employs or uses such child for the purposes of begging, it shall be presumed, unless the contrary is proved, that he kidnapped or otherwise obtained the custody of such child in order that such child might be employed or used for the purposes of begging.

(4) In this section "begging" means—

(i) soliciting or receiving alms in a public place, whether under the pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise;

(ii) entering on any private premises for the purpose of soliciting or receiving

alms; Assault or criminal force on grave provocation.

Kidnapping.

Abduction.

Kidnapping or

maiming a child for purposes of begging.

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(iii) exposing or exhibiting, with the object of obtaining or extorting alms, any

sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(iv) using such child as an exhibit for the purpose of soliciting or receiving alms.

138. (1) Whoever kidnaps or abducts any person in order that such person may be

murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with imprisonment for life or rigorous imprisonment for a term which may extend to

ten years, and shall also be liable to fine.

Illustrations.

(a) A kidnaps Z from India, intending or knowing it to be likely that Z may be sacrificed

to an idol. A has committed the offence defined in this section.

(b) A forcibly carries or entices B away from his home in order that B may be murdered.

A has committed the offence defined in this section.

(2) Whoever kidnaps or abducts any person or keeps a person in detention after such

kidnapping or abduction, and threatens to cause death or hurt to such person, or by his

conduct gives rise to a reasonable apprehension that such person may be put to death or

hurt, or causes hurt or death to such person in order to compel the

Government or any foreign State or international inter-governmental organisation or any other person to do or abstain from doing any act or to

pay a ransom, shall be punishable with death, or imprisonment

for life, and shall also be liable to fine.

(3) Whoever kidnaps or abducts any person with intent to cause that person to be

secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall

also be liable to fine.

(4) Whoever kidnaps or abducts any person in order that such person may be subjected,

or may be so disposed of as to be put in danger of being subjected to

grievous hurt, or slavery, or to the unnatural lust of any person, or

knowing it to be likely that such person will be so subjected or disposed

of, shall be punished with imprisonment of either description for

a term which may extend to ten years, and shall also be liable to fine.

139. Whoever imports into India from any country outside India any girl under the age

of twenty-one years or any boy under the age of eighteen years with intent that girl or boy may be, or knowing it to be likely that girl or boy will

be, forced or seduced to illicit intercourse

with another person, shall be punishable with imprisonment which may

extend to ten years

and shall also be liable to fine.

140. Whoever, knowing that any person has been kidnapped or has been abducted,

wrongfully conceals or confines such person, shall be punished in the same manner as if he

had kidnapped or abducted such person with the same intention or

knowledge, or for the

same purpose as that with or for which he conceals or detains such person in confinement.

141. (1) Whoever, for the purpose of exploitation, recruits, transports, harbours,

transfers, or receives, a person or persons, by—

(a) using threats; or

(b) using force, or any other form of coercion; or

(c) by abduction; or

(d) by practicing fraud, or deception; or

(e) by abuse of power; or kidnapping or abducting in order to murder or for ransom etc.

Importation of girl or boy from foreign country.

Wrongfully concealing or keeping in confinement, kidnapped or abducted person.

Trafficking of person.⁵

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(f) by inducement, including the giving or receiving of payments or benefits, in

order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received,

commits the offence of trafficking.

Explanation 1.—The expression "exploitation" shall include any act of physical

exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, beggary or forced removal of organs.

Explanation 2.—The consent of the victim is immaterial in determination of the offence

of trafficking.

(2) Whoever commits the offence of trafficking shall be punished with rigorous

imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.

(3) Where the offence involves the trafficking of more than one person, it shall be

punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(4) Where the offence involves the trafficking of a child below the age of eighteen

years, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(5) Where the offence involves the trafficking of more than one child below the age of

eighteen years, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.

(6) If a person is convicted of the offence of trafficking of child below the age of

eighteen years on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

(7) When a public servant or a police officer is involved in the trafficking of any person

then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

142. (1) Whoever, knowingly or having reason to believe that a child below the age of eighteen years has been trafficked, engages such child for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.

(2) Whoever, knowingly or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

143. Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

144. Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. Exploitation of a trafficked person.

Habitual
dealing in slaves.

Unlawful
compulsory labour.

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4048 CHAPTER VII

OF OFFENCES AGAINST THE STATE

145. Whoever wages war against the Government of India, or attempts to wage such

war, or abets the waging of such war, shall be punished with death, or imprisonment for life and shall also be liable to fine.

Illustration.

A joins an insurrection against the Government of India. A has committed the offence defined in this section.

146. Whoever within or without and beyond India conspires to commit any of the

offences punishable by section 145, or conspires to overawe, by means of criminal force or the show of criminal force, the Central Government or any State Government, shall be punished with imprisonment for life, or with imprisonment of either description which may extend to ten years, and shall also be liable to fine.

Explanation .-To constitute a conspiracy under this section, it is not necessary that

any act or illegal omission shall take place in pursuance thereof.

147. Whoever collects men, arms or ammunition or otherwise prepares to wage war

with the intention of either waging or being prepared to wage war against the Government of India, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

148. Whoever by any act, or by any illegal omission, conceals the existence of a

design to wage war against the Government of India, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

149. Whoever, with the intention of inducing or compelling the President of India, or

Governor of any State, to exercise or refrain from exercising in any manner any of the lawful powers of such President or Governor, assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes, by means of criminal force or the show of criminal force, or attempts so to overawe, such President or Governor, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

150. Whoever, purposely or knowingly, by words, either spoken or written, or by

signs, or by visible representation, or by electronic communication or by use of financial means, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years and shall also be liable to fine.

Explanation.-- Comments expressing disapprobation of the measures, or administrative

or other action of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite the activities referred to in this section.

151. Whoever wages war against the Government of any foreign State at peace with

the Government of India or attempts to wage such war, or abets the waging of such war, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine. Waging, or attempting to wage war, or abetting waging of war, against Government of India.

Conspiracy to

commit offences punishable by section 145.

Collecting

arms, etc., with intention of waging war against Government of India.

Concealing

with intent to facilitate design to wage war.

Assaulting

President Governor, etc., with intent to compel or restrain exercise of any lawful power.

Acts

endangering sovereignty unity and integrity of India.

Waging war

against

Government

of any foreign State at peace

with

Government

of India.⁵

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152. Whoever commits depredation, or makes preparations to commit depredation, on

the territories of any foreign State at peace with the Government of India, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.

153. Whoever receives any property knowing the same to have been taken in the

commission of any of the offences mentioned in sections 151 and 152, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so received.

154. Whoever, being a public servant and having the custody of any State prisoner or

prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

155. Whoever, being a public servant and having the custody of any State prisoner or

prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

156. Whoever knowingly aids or assists any State prisoner or prisoner of war in

escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation . -A State prisoner or prisoner of war, who is permitted to be at large on

his parole within certain limits in India, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

CHAPTER VIII

O

OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

157. Whoever abets the committing of mutiny by an officer, soldier, sailor or airman, in

the Army, Navy or Air Force subject to the Acts referred to in section 165 of the Government of India or attempts to seduce any such officer, soldier, sailor or airman from his allegiance or his duty, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

158. Whoever abets the committing of mutiny by an officer, soldier, sailor or airman, in

the Army, Navy or Air Force of the Government of India, shall, if mutiny be committed in consequence of that abetment, be punished with death or with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

159. Whoever abets an assault by an officer, soldier, sailor or airman, in the Army,

Navy or Air Force of the Government of India, on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. Committing depredation on territories of foreign State at peace with Government of India.

Receiving

property taken by war or depredation mentioned in sections 151 and 152.

Public servant

voluntarily allowing prisoner of state or war to escape.

Public servant

negligently suffering such prisoner to escape.

Aiding escape

of rescuing or harbouring such prisoner.

Abetting

mutiny, or

attempting to

seduce a

soldier, sailor

or airman from his duty.

Abetment of

mutiny, if mutiny is committed in consequence thereof.

Abetment of

assault by soldier, sailor or airman on his superior officer, when in execution of his office.

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160. Whoever abets an assault by an officer, soldier, sailor or airman, in the Army, Navy

or Air Force of the Government of India, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

161. Whoever abets the desertion of any officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

162. Whoever, except as hereinafter excepted, knowing or having reason to believe

that an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, has deserted, harbours such officer, soldier, sailor or airman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

Exception .—This provision does not extend to the case in which the harbour is given by the spouse of the deserter.

163. The master or person in charge of a merchant vessel, on board of which any deserter from the Army, Navy or Air Force of the Government of India is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding three thousand rupees, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

164. Whoever abets what he knows to be an act of insubordination by an officer, soldier, sailor or airman, in the Army, Navy or Air Force, of the Government of India, shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

165. No person subject to the Army Act, 1950 the Indian Navy (Discipline) Act, 1934,

or the Air Force Act, 1950 shall be subject to punishment under this Sanhita for any of the offences defined in this Chapter.

166. Whoever, not being a soldier, sailor or airman in the Army, Naval or Air service of

the Government of India, wears any garb or carries any token resembling any garb or token used by such a soldier, sailor or airman with the intention that it may be believed that he is such a soldier, sailor or airman, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

CHAPTER IX

O

F OFFENCES RELATING TO ELECTIONS

167. For the purposes of this Chapter—

(a) "candidate" means a person who has been nominated as a candidate at any election;

(b) "electoral right" means the right of a person to stand, or not to stand as, or to

withdraw from being, a candidate or to vote or refrain from voting at an election.

168. (1) Whoever—

(i) gives a gratification to any person with the object of inducing him or any

other person to exercise any electoral right or of rewarding any person for having exercised any such right; or Abetment of such assault, if assault committed.

Abetment of

desertion of soldier, sailor or airman.

Harbouring

deserter.

Deserter

concealed on board merchant vessel through negligence of master.

Abetment of

act of insubordination by soldier,

sailor or

airman.

Persons subject

to certain Acts.

Wearing garb

or carrying token used by soldier, sailor or airman.

Candidate,

Electoral right defined.

Bribery. 46 of 1950.

56. of 1950.

57. of 1934.5

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(ii) accepts either for himself or for any other person any gratification as a reward

for exercising any such right or for inducing or attempting to induce any other person to exercise any such right,

commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not

be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification

shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall

be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

169. (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of

any electoral right commits the offence of undue influence at an election.
(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(a) threatens any candidate or voter, or any person in whom a candidate or voter

is interested, with injury of any kind; or

(b) induces or attempts to induce a candidate or voter to believe that he or any

person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or

voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action or the mere exercise or

a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

170. Whoever at an election applies for a voting paper on votes in the name of any

other person, whether living or dead, or in a fictitious name, or who

having voted once at such election applies at the same election for a

voting paper in his own name, and whoever

abets, procures or attempts to procure the voting by any person in any such way, commits

the offence of personation at an election:

Provided that nothing in this section shall apply to a person who has been authorised

to vote as proxy for an elector under any law for the time being in force in so far as he votes

as a proxy for such elector.

171. Whoever commits the offence of bribery shall be punished with imprisonment of

either description for a term which may extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine

only. Explanation. — "Treating" means that form of bribery where the gratification consists

in food, drink, entertainment, or provision.

172. Whoever commits the offence of undue influence or personation at an election

shall be punished with imprisonment of either description for a term which may extend to

one year or with fine, or with both.

173. Whoever with intent to affect the result of an election makes or publishes any

statement purporting to be a statement of fact which is false and which he either knows or

believes to be false or does not believe to be true, in relation to the personal character or

conduct of any candidate shall be punished with fine. Undue influence at elections.

Personation at

elections.

Punishment

for bribery.

Punishment

for undue influence or

personation at

an election.

False

statement in connection with an election.5

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174. Whoever without the general or special authority in writing of a candidate incurs

or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way

whatsoever for the purpose of

promoting or procuring the election of such candidate, shall be punished with fine which

may extend to ten thousand rupees:

Provided that if any person having incurred any such expenses not exceeding the

amount of ten rupees without authority obtains within ten days from the date on which such

expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

175. Whoever being required by any law for the time being in force or any rule having

the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five thousand

rupees.

CHAPTER X

O

F OFFENCES RELATING TO COIN, CURRENCY NOTES , BANK NOTES , AND GOVERNMENT STAMPS

176. Whoever counterfeits, or knowingly performs any part of the process of

counterfeiting, any coin, stamp issued by Government for the purpose of revenue, currency-note or bank-note, shall be punished with imprisonment for life, or with imprisonment of

either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation .-For the purposes of this Chapter,-

(1) the expression "bank-note" means a promissory note or engagement for the

payment of money to bearer on demand issued by any person carrying on the business

of banking in any part of the world, or issued by or under the authority of any State or

Sovereign Power, and intended to be used as equivalent to, or as a substitute for money;

(2) "coin" shall have the same meaning assigned to it in section 2 of the Coinage

Act, 2011 and includes metal used for the time being as money and is stamped and

issued by or under the authority of any State or Sovereign Power intended to be so

used;

(3) a person commits the offence of "counterfeiting Government stamp" who counterfeits by causing a genuine stamp of one denomination to appear like a genuine

stamp of a different denomination;

(4) a person commits the offence of counterfeiting coin who intending to practice

deception, or knowing it to be likely that deception will thereby be practiced, causes a

genuine coin to appear like a different coin; and

(5) the offence of "counterfeiting coin" includes diminishing the weight or

alteration of the composition, or alteration of the appearance of the coin.

177. Whoever sells or delivers to, or buys or receives from, any other person, or

otherwise traffics or uses as genuine, any forged or counterfeit coin, stamp issued by

Government for the purpose of revenue, currency-note or bank-note, knowing or having

reason to believe the same to be forged or counterfeit, shall be punished with imprisonment

for life, or with imprisonment of either description for a term which may extend to ten years,

and shall also be liable to fine.

178. Whoever has in his possession any forged or counterfeit coin, stamp issued by

Government for the purpose of revenue, currency-note or bank-note, knowing or having

reason to believe the same to be forged or counterfeit and intending to use the same as

genuine or that it may be used as genuine, shall be punished with imprisonment of either

description for a term which may extend to seven years, or with fine, or with both. Illegal

payments in connection with an election.

Failure to keep

election accounts.

Counterfeiting

coin, Government stamps, currency-notes or bank-notes.

Using as

genuine, forged

or counterfeit

coin, Government

stamp,

currency-notes
or bank-notes.
Possession of
forged or
counterfeit
coin,
Governmentstamp,
currency-notes
or bank-notes.11 of 2011.5

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179. Whoever makes or mends, or performs any part of the process of making or

mending, or buys or sells or disposes of, or has in his possession, any machinery, die,

instrument or material for the purpose of being used, or knowing or having reason to believe

that it is intended to be used, for forging or counterfeiting any coin, stamp issued by

Government for the purpose of revenue, currency-note or bank-note, shall be punished with

imprisonment for life, or with imprisonment of either description for a term which may extend

to ten years, and shall also be liable to fine.

180. (1) Whoever makes, or causes to be made, or uses for any purpose whatsoever,

or delivers to any person, any document purporting to be, or in any way resembling, or so

nearly resembling as to be calculated to deceive, any currency-note or bank-note shall be

punished with fine which may extend to three hundred rupees.

(2) If any person, whose name appears on a document the making of which is an

offence under sub-section (1), refuses, without lawful excuse, to disclose to a police-officer

on being so required the name and address of the person by whom it was printed or otherwise

made, he shall be punished with fine which may extend to six hundred rupees.

(3) Where the name of any person appears on any document in respect of which any

person is charged with an offence under sub-section (1) or on any other document used or

distributed in connection with that document it may, until the contrary is proved, be presumed

that the person caused the document to be made.

181. Whoever, fraudulently or with intent to cause loss to the Government, removes or

effaces from any substance, bearing any stamp issued by Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

182. Whoever, fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

183. Whoever, fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by Government for the purpose of revenue, any mark, put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession or sells or disposes of any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

184. (1) Whoever—

(a) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly

uses for any postal purpose any fictitious stamp; or

(b) has in his possession, without lawful excuse, any fictitious stamp; or

(c) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp, Making or possessing

instruments or

materials for

forging or counterfeiting

coin,

Government

stamp,

currency-notes or bank-notes.

Making or

using

documents

resembling

currency-notes or bank-notes..

Effacing

writing from

substance bearing

Government

stamp, or

removing

document a

stamp used for
it, with intent to cause loss to
Government.

Using
Government
stamp known
to have been
before used.
Erasure of
mark denoting
that stamp has
been used.

Prohibition of
fictitious
stamps.5

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shall be punished with fine which may extend to two hundred rupees.

(2) Any such stamp, die, plate, instrument or materials in the possession
of any person
for making any fictitious stamp may be seized and, if seized shall be
forfeited.

(3) In this section "fictitious stamp" means any stamp falsely purporting
to be issued

by Government for the purpose of denoting a rate of postage, or any
facsimile or imitation or
representation, whether on paper or otherwise, of any stamp issued by
Government for that purpose.

(4) In this section and also in sections 176 to 179, and sections 181 to
183 both

inclusive, the word "Government", when used in connection with, or in
reference to any

stamp issued for the purpose of denoting a rate of postage, shall,
notwithstanding anything

in clause (11) of section 2, be deemed to include the person or persons
authorised by law to

administer executive Government in any part of India or in any foreign
country.

185. Whoever, being employed in any mint lawfully established in India,
does any act,

or omits what he is legally bound to do, with the intention of causing any
coin issued from

that mint to be of a different weight or composition from the weight or
composition fixed by

law, shall be punished with imprisonment of either description for a term
which may extend to seven years, and shall also be liable to fine.

186. Whoever, without lawful authority, takes out of any mint, lawfully
established in

India, any coining tool or instrument, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

C

HAPTER XI

OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY

187. (1) An assembly of five or more persons is designated an "unlawful assembly", if

the common object of the persons composing that assembly is –

(a) to overawe by criminal force, or show of criminal force, the Central Government

or any State Government or Parliament or the Legislature of any State, or any public

servant in the exercise of the lawful power of such public servant; or

(b) to resist the execution of any law, or of any legal process; or

(c) to commit any mischief or criminal trespass, or other offence; or

(d) by means of criminal force, or show of criminal force, to any person, to take or

obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession

or enjoyment, or to enforce any right or supposed right; or

(e) by means of criminal force, or show of criminal force, to compel any person to

do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation .—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

(2) Whoever, being aware of facts which render any assembly an unlawful assembly,

intentionally joins that assembly, or continues in it, is said to be a member of an unlawful

assembly and such member shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(3) Whoever joins or continues in an unlawful assembly, knowing that such unlawful

assembly has been commanded in the manner prescribed by law to disperse, shall be punished

with imprisonment of either description for a term which may extend to two years, or with

fine, or with both. Person

employed in mint causing

coin to be of

different

weight or

composition

from that

fixed by law.

Unlawfully

taking coining

instrument from mints.

Unlawful

assembly.5

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(4) Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(5) Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Explanation .—If the assembly is an unlawful assembly within the meaning of

sub-section (1), the offender shall be punishable under sub-section (3).

(6) Whoever hires or engages, or employs, or promotes, or connives at the hiring,

engagement or employment of any person to join or become a member of any unlawful

assembly, shall be punishable as a member of such unlawful assembly, and for any offence

which may be committed by any such person as a member of such unlawful assembly in pursuance of such hiring, engagement or employment, in the same manner as if he had been

a member of such unlawful assembly, or himself had committed such offence.

(7) Whoever harbours, receives or assembles, in any house or premises in his

occupation or charge, or under his control any persons knowing that such persons have

been hired, engaged or employed, or are about to be hired, engaged or employed, to join or

become members of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(8) Whoever is engaged, or hired, or offers or attempts to be hired or engaged, to do or

assist in doing any of the acts specified in sub-section (1), shall be punished with imprisonment

of either description for a term which may extend to six months, or with fine, or with both.

(9) Whoever, being so engaged or hired as referred to in sub-section (8), goes armed,

or engages or offers to go armed, with any deadly weapon or with anything which used as a weapon of offence is likely to cause death, shall be

punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

188. If an offence is committed by any member of an unlawful assembly in prosecution

of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence

189. (1) Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly,

every member of such assembly is guilty of the offence of rioting.

(2) Whoever is guilty of rioting, shall be punished with imprisonment of either

description for a term which may extend to two years, or with fine, or with both.

(3) Whoever is guilty of rioting, being armed with a deadly weapon or with anything

which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

190. Whoever maliciously, or wantonly by doing anything which is illegal, gives

provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both. Every member

of unlawful

assembly guilty

of offence

committed in prosecution of common

object.

Rioting.

Wantonly

giving

provocation with intent to

cause riot-if

rioting be

committed; if

not

committed.5

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191. (1) Whenever any unlawful assembly or riot takes place, the owner or occupier of

the land upon which such unlawful assembly is held, or such riot is committed, and any person having or claiming an interest in such land, shall be punishable with fine not exceeding one thousand rupees, if he or his agent or manager, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his or their power to the officer in charge at the nearest police-station, and do not, in the case of his or their having reason to believe that it was about to be committed, use all lawful means in his or their power to prevent it and, in the event of it taking place, do not use all lawful means in his or their power to disperse or suppress the riot or unlawful assembly.

(2) Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to be committed or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for suppressing and dispersing the same.

(3) Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same.

192. (1) When two or more persons, by fighting in a public place, disturb the public peace, they are said to commit an affray.

(2) Whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

193. (1) Whoever assaults or obstructs any public servant or uses criminal force on any public servant in the discharge of his duty in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which shall not be less than twenty-five thousand rupees, or with both.

(2) Whoever threatens to assault or attempts to obstruct any public servant or threaten or attempts to use criminal force to any public servant in the discharge of his duty in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

194. (1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or through electronic communication or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or Liability of owner, occupier, etc., of land on which an unlawful assembly or riot takes place. Affray. Assaulting or obstructing public servant when suppressing riot, etc. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. 5

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(b) commits any act which is prejudicial to the maintenance of harmony between

different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility; or

(c) organises any exercise, movement, drill or other similar activity intending that

the participants in such activity shall use or be trained to use criminal force or violence

or knowing it to be likely that the participants in such activity will use or be trained to

use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants

in such activity will use or be trained to use criminal force or violence, against any

religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of

insecurity amongst members of such religious, racial, language or regional group or

caste or community,

shall be punished with imprisonment which may extend to three years, or with fine, or with

both.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship

or in any assembly engaged in the performance of religious worship or

religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable

to fine.

195. (1) Whoever, by words either spoken or written or by signs or by visible

representations or through electronic communication or otherwise,—

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or

caste or community, bear true faith and allegiance to the Constitution of India as by law

established or uphold the sovereignty and integrity of India; or

(b) asserts, counsels, advises, propagates or publishes that any class of persons

shall, by reason of their being members of any religious, racial, language or regional

group or caste or community, be denied, or deprived of their rights as citizens of India; or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the

obligation of any class of persons, by reason of their being members of any religious,

racial, language or regional group or caste or community, and such assertion, counsel,

plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or

ill-will between such members and other persons; or

(d) makes or publishes false or misleading information jeopardising the

sovereignty unity and integrity or security of India,
shall be punished with imprisonment which may extend to three years, or
with fine, or with
both.

(2) Whoever commits an offence specified in sub-section (1) in any place
of worship

or in any assembly engaged in the performance of religious worship or
religious ceremonies,

shall be punished with imprisonment which may extend to five years and
shall also be liable

to fine.THE INDIAN PENAL CODE, 1860

ACT NO. 45 OF 1860 1*

[6th October, 1860.]CHAPTER V

OF ABETMENT

107. Abetment of a thing.

107. Abetment of a thing.--A person abets the doing of a thing,
who-

121 First.-Instigates any person to do that thing; or
Secondly.-Engages with one or more other person or persons
in any conspiracy for the doing of that thing, if an act or
illegal omission takes place in pursuance of that conspiracy, and in order
to the doing of that thing; or
Thirdly.-Intentionally aids, by any act or illegal omission,
the doing of that thing.

Explanation 1.-A person who, by wilful misrepresentation, or by
wilful concealment of a material fact which he is bound to disclose,
voluntarily causes or procures, or attempts to cause or procure, a
thing to be done, is said to instigate the doing of that thing.

Illustration

A, a public officer, is authorized by a warrant from a Court of
Justice to apprehend Z, B, knowing that fact and also that C is not Z,
wilfully represents to A that C is Z, and thereby intentionally causes
A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2.-Whoever, either prior to or at the time of the
commission of an act, does anything in order to facilitate the
commission of that act, and thereby facilitates the commission
thereof, is said to aid the doing of that act.

108.

Abettor.

108. Abettor.--A person abets an offence, who abets either the
commission of an offence, or the commission of an act which would be
an offence, if committed by a person capable by law of committing an
offence with the same intention or knowledge as that of the abettor.

Explanation 1.-The abetment of the illegal omission of an act may
amount to an offence although the abettor may not himself be bound to do
that act.

Explanation 2.-To constitute the offence of abetment it is not
necessary that the act abetted should be committed, or that the effect
requisite to constitute the offence should be caused.

Illustrations

(a) A instigates B to murder C. B refuses to do so. A is guilty
of abetting B to commit murder.

(b) A instigates B to murder D. B in pursuance of the instigation

stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

Explanation 3.-It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustrations

(a) A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence, if committed by a person

capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(b) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(c) A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4.-The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and, as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5.-It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the

offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed.

Illustration

A concert with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section and is liable to the punishment for murder.

108A.

Abetment in India of offences outside India.

1*[108A. Abetment in India of offences outside India.--A person abets an offence within the meaning of this Code who, in 2*[India], abets the commission of any act without and beyond 2*[India] which would constitute an offence if committed in 2*[India].

Illustration

A, in 2*[India], instigates B, a foreigner in Goa, to commit a murder in Goa, A is guilty of abetting murder.]

109.

Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment.

109. Punishment of abetment if the act abetted is committed in

consequence and where no express provision is made for its punishment.--
Whoever abets any offence shall, if the act abetted is
committed in consequence of the abetment, and no express provision is
made by this Code for the punishment of such abetment, be punished with
the punishment provided for the offence.

Explanation.-An act or offence is said to be committed in
consequence of abetment, when it is committed in consequence of the
instigation, or in pursuance of the conspiracy, or with the aid which
constitutes the abetment.

Illustrations

(a) A offers a bribe to B, a public servant, as a reward for
showing A some favour in the exercise of B's official functions. B

123 accepts the bribe. A has abetted the offence defined in section 161.

(b) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(c) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

110.

Punishment of abetment if person abetted does act with different intention from that of abettor.

110. Punishment of abetment if person abetted does act with different intention from that of abettor.--Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

1. Added by Act 4 of 1898, s. 3.

2. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

111.

Liability of abettor when one act abetted and different act done.

111. Liability of abettor when one act abetted and different act done.--When an Act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it:

Proviso.

Proviso.--Provided the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Illustrations

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y.

(b) A instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided

for murder.

112.

Abettor when liable to cumulative punishment for act abetted and for act done.

112. Abettor when liable to cumulative punishment for act abetted and for act done.--If the act for which the abettor is liable under the last preceding section is committed in addition to the act abetted, and constitute a distinct offence, the abettor is liable to punishment for each of the offences.

Illustration

A instigates B to resist by force a distress made by a public servant. B, in consequence resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, B is liable to punishment for both these offences; and, if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress A will also be liable to punishment for each of the offences.

113.

Liability of abettor for an effect caused by the act abetted different from that intended by the abettor.

124 113. Liability of abettor for an effect caused by the act abetted

different from that intended by the abettor.--When an act is abetted with the intention on the part of the abettor of causing a particular effect, and an act for which the abettor is liable in consequence of the abetment, causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

Illustration

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if A knew that the grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder. 114.

Abettor present when offence is committed.

114. Abettor present when offence is committed.--Whenever any person who if absent would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

115.

Abetment of offence punishable with death or imprisonment for life-if offence is not committed.

115. Abetment of offence punishable with death or imprisonment for life--if offence not committed.--Whoever abets the commission of an offence punishable with death or 1*[imprisonment for life], shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine:

if act causing harm be done in consequence.

if act causing harm be done in consequence.--and if any act for which the abettor is liable in consequence of the abetment, and which

causes hurt to any person, is done, the abettor shall be liable to

imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Illustration

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or 1*[imprisonment for life]. Therefore A is liable to imprisonment for a term which may extend to seven years and also to a fine; and, if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

116.

Abetment of offence punishable with imprisonment--if offence be not committed.

116. Abetment of offence punishable with imprisonment--if offence be not committed.--Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of any description provided for that offence for a term which may extend to one-fourth part of the longest term provided for that offence; or with such fine as is provided for that offence, or with both;

if abettor or person abetted be a public servant whose duty it is to prevent offence.

if abettor or person abetted be a public servant whose duty it is to prevent offence.--and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B refuses to accept the bribe. A is punishable under this section.

(b) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this section, and is punishable accordingly.

(c) A, a police-officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

125 (d) B abets the commission of a robbery by A, a police-officer, whose duty it is to prevent that offence. Here though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.
117.

Abetting commission of offence by the public or by more than ten persons.

117. Abetting commission of offence by the public or by more than ten persons.--Whoever abets the commission of an offence by the public generally or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

Illustration

A affixes in a public place a placard instigating a sect consisting of more than ten members to meet at a certain time and

place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this section.

118.

Concealing design to commit offence punishable with death or imprisonment for life.

118. Concealing design to commit offence punishable with death or imprisonment for life.--Whoever intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with death or 1*[imprisonment for life], voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence or makes any representation which he knows to be false respecting such design, if offence be committed-if offence be not committed. if offence be committed-if offence be not committed.--shall, if

that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years, or, if the offence of not committed, with imprisonment of either description, for a term which may extend to three years; and in either case shall also be liable to fine.

Illustration

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate with intent to facilitate the commission of the offence. The dacoity is committed at B in pursuance of the design. A is punishable under this section.

119.

Public servant concealing design to commit offence which it is his duty to prevent.

119. Public servant concealing design to commit offence which it is his duty to prevent.--Whoever, being a public servant intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence which it is his duty as such public servant to prevent,

voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design. if offence be committed.

if offence be committed.--shall, if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both;

if offence be punishable with death, etc.

if offence be punishable with death, etc.--or, if the offence be punishable with death or 1*[imprisonment for life], with imprisonment of either description for a term which may extend to ten years;

if offence be not committed.

if offence be not committed.--or, if the offence be not

126 committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment or with such fine as is provided for the offence, or with both.

Illustration

A, an officer of police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such

information, with intent to facilitate the commission of that offence. here A has by an illegal omission concealed the existence of B's design and is liable to punishment according to the provision of this section.

120.

Concealing design to commit offence punishable with imprisonment.

120. Concealing design to commit offence punishable with imprisonment.--Whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment,

voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design,

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

if offence be committed-if offence be not committed.

if offence be committed-if offence be not committed--shall, if the offence be committed, be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth, and, if the offence be not committed, to one-eighth, of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

CHAPTER VA
CRIMINAL CONSPIRACY

1*[CHAPTER VA

CRIMINAL CONSPIRACY

120A.

Definition of criminal conspiracy.

120A. Definition of criminal conspiracy.--When two or more persons agree to do, or cause to be done, -

(1) an illegal act, or

(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation.--It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

120B.

Punishment of criminal conspiracy.

120B. Punishment of criminal conspiracy.--(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, 2*[imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.]CHAPTER VI

OF OFFENCES AGAINST THE STATECHAPTER VI

OF OFFENCES AGAINST THE STATE

127 121.

Waging, or attempting to wage war, or abetting waging of war, against the Government of India.

121. Waging, or attempting to wage war, or abetting waging of war, against the Government of India.--Whoever wages war against the 3*[Government of India], or attempts to wage such war, or abets the waging of such war, shall be punished with death, or 4*[imprisonment for life] 5*[and shall also be liable to fine].

6*[Illustration.]

7***A joins an insurrection against the 3*[Government of India].

A has committed the offence defined in this section.

8* * * * *

1. Ins. by Act 8 of 1913, s. 3.
2. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation".
3. Subs. by the A. O. 1950, for "Queen".
4. Subs. by Act of 1955 s. 117 and Sch., for "transportation for life".
5. Subs. by Act 16 of 1921, s. 2, for "and shall forfeit all his property".
6. Subs. by Act 36 of 1957, s. 3 and Sch. II, for "Illustrations".
7. The brackets and letter "(a)" omitted by s. 3 and Sch. II, *ibid.*
8. Illustration (b) rep. by the A. O. 1950.

121A.

Conspiracy to commit offences punishable by section 121.

1*[121A. Conspiracy to commit offences punishable by section 121.--Whoever within or without 2*[India] conspires to commit any of the offences punishable by section 121, 3*** or conspires to overawe, by means of criminal force or the show of criminal force, 4*[the Central Government or any State Government 5***], shall be punished with 6*[imprisonment for life], or with imprisonment of either description which may extend to ten years, 7*[and shall also be liable to fine].

Explanation.-To constitute a conspiracy under this section, it is

-----not necessary that any act or illegal omission shall take place in pursuance thereof.]

122.

Collecting arms, etc., with intention of waging war against the Government of India.

122. Collecting arms, etc., with intention of waging war against the Government of India.--Whoever collects men, arms or ammunition or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against the 8*[Government of India], shall be punished with 9*[imprisonment for life] or imprisonment of either description for a term not exceeding ten years, 10*[and shall also be liable to fine].

123.

Concealing with intent to facilitate design to wage war.

123. Concealing with intent to facilitate design to wage war.- - Whoever, by any act, or by any illegal omission, conceals the existence of a design to wage war against the 8*[Government of India], intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

124.

Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power.

124. Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power.--Whoever, with the intention of inducing or compelling the 11*[President] of India, or 12*[Governor 13***] of any State, 14*** 15*** 16*** to exercise or refrain from exercising in any manner any of the lawful powers of such 17*[President or 12*[Governor 13*], assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes, by means of criminal force or the show of criminal force, or attempts so to overawe, such 17*[President or 12***

[Governor 13***],

1. S. 121A ins. by Act 27 of 1870, s. 4.

2. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

128 3. The words "or to deprive the Queen of the sovereignty of the Provinces or of any part thereof" omitted by the A. O. 1950.
4. Subs. by the A. O. 1937, for "the G. of I. or any L. G.".
5. The words "or the Govt. of Burma" rep. by the A. O. 1948.
6. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life or any shorter term".
7. Ins. by Act 16 of 1921, s. 3.
8. Subs. by the A. O. 1950, for "Queen".
9. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".
10. Subs. by Act 16 of 1921, s. 2, for "and shall forfeit all his property".
11. Subs. by the A. O. 1950, for "Governor General".
12. Subs. by Act 3 of 1951, s. 3 and Sch., for "Governor".
13. The words "or Rajpramukh" omitted by the Adaptation of Laws (No. 2) Order, 1956.
14. The words "or a Lieutenant-Governor" rep. by the A. O. 1937.
15. The words "or a Member of the Council of the Governor General of India" rep. by the A. O. 1948.
16. The words "or of the Council of any Presidency" rep. by the A. O. 1937.
17. The original words "Governor General, Governor, Lieutenant-Governor or Member of Council" have successively been amended by the A.O. 1937, A. O. 1948 and A. O. 1950 to read as above.
shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

124A.

Sedition.

1*[124A. Sedition.--Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to

excite disaffection towards, 2***the Government established by law in 3*[India], a 4***shall be punished with 5*[imprisonment for life], to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Explanation 1.-The expression "disaffection" includes disloyalty and all feelings of enmity.

Explanation 2.-Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

Explanation 3.-Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.]

125.

Waging war against any Asiatic Power in alliance with the Government of India.

125. Waging war against any Asiatic Power in alliance with the Government of India.--Whoever wages war against the Government of any Asiatic Power in alliance or at peace with the 6*[Government of India] or attempts to wage such war, or abets the waging of such war, shall be punished with 7*[imprisonment for life], to which fine may

be added, or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine.
126.

Committing depredation on territories of Power at peace with the Government of India.

126. Committing depredation on territories of Power at peace with the Government of India.--Whoever commits depredation, or makes preparations to commit depredation, on the territories of any Power in alliance or at peace with the 6*[Government of India], shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.

127.

Receiving property taken by war or depredation mentioned in sections 125 and 126.

129 127. Receiving property taken by war or depredation mentioned in sections 125 and 126.--Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 125 and 126, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so received.

128.

Public servant voluntarily allowing prisoner of state or war to escape.

128. Public servant voluntarily allowing prisoner of state or war to escape.--Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with 7*[imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

1. Subs. by Act 4 of 1898, s. 4, for the original s. 124A which had been ins. by Act 27 of 1870, s. 5.

2. The words "Her Majesty or" rep. by the A.O. 1950. The words "or the Crown Representative" ins. after the word "Majesty" by the

A. O. 1937 were rep. by the A.O. 1948.

3. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

4. The words "or British Burma" ins. by the A.O. 1937 rep. by the A.O. 1948.

5. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life or any shorter term".

6. Subs. by the A.O. 1950, for "Queen".

7. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

129.

Public servant negligently suffering such prisoner to escape.

129. Public servant negligently suffering such prisoner to escape.--Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

130.

-----Aiding escape of, rescuing or harbouring such prisoner.
130. Aiding escape of, rescuing or harbouring such prisoner.- -

Whoever knowingly aids or assists any State prisoner or prisoner of war in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner shall be punished with 1*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.-A State prisoner or prisoner of war, who is permitted to be at large on his parole within certain limits in 2*[India], is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.CHAPTER VII OF OFFENCES RELATING TO THE ARMY, [NAVY AND AIR FORCE]CHAPTER VII OF OFFENCES RELATING TO THE ARMY, 3*[NAVY AND AIR FORCE] 131.

Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty.

131. Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty.--Whoever abets the committing of mutiny by an officer, soldier, 4*[sailor or airman], in the Army, 5*[Navy or Air Force] of the 6*[Government of India] or attempts to seduce any such officer, soldier, 4*[sailor or airman] from his allegiance or his duty, shall be punished with 1*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

7*[Explanation.-In this section the words "officer", 8* ["soldier", 9*["sailor"] and "airman"] include any person subject to the 10*[Army Act, 11*[the Army Act, 1950 (46 of 1950)], 9*[the Naval Discipline Act, 12***the Indian Navy (Discipline) Act, 1934 (34 of 1934)] 13*[the Air Force Act or 14*[the Air Force Act, 1950 (45 of 1950)]], as the case may be.]

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for

130 life".

2. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".
3. Subs. by Act 10 of 1927, s. 2 and Sch. I, for "and Navy".
4. Subs. by s. 2 and Sch. I, ibid., for "or sailor".
5. Subs. by s. 2 and sch. I, ibid., for "or Navy".
6. Subs. by the A.O. 1950 for "Queen".
7. Ins. by Act 27 of 1870, s. 6.
8. Subs. by Act 10 of 1927, s. 2 and Sch. I, for "and soldier".
9. Ins. by Act 25 of 1934, s. 2 and Sch.
10. Subs. by Act 10 of 1927, s. 2 and Sch. I, for "Articles of War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. 5 of 1869".
11. Subs. by Act 3 of 1951, s. 3 and Sch., for "the Indian Army Act, 1911".
12. The words "or that Act as modified by" were rep. by the A.O. 1950.
13. Subs. by Act 14 of 1932, s. 130 and Sch., for "or the Air Force Act".
14. Subs. by Act 3 of 1951, s.3 and Sch., for "the Indian Air Force Act, 1932".

132.

Abetment of mutiny, if mutiny is committed in consequence thereof.

132. Abetment of mutiny, if mutiny is committed in consequence thereof.--Whoever abets the committing of mutiny by an officer,

soldier, 1*[sailor or airman], in the Army, 2*[Navy or Air Force] of the 3*[Government of India], shall, if mutiny be committed in consequence of that abetment, be punished with death or with 4*[imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. 133.

Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office.

133. Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office.--Whoever abets an assault by an officer, soldier, 1*[sailor or airman], in the Army, 2*[Navy or Air Force] of the 3*[Government of India], on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

134.

Abetment of such assault, if the assault committed.

134. Abetment of such assault, if the assault committed.--Whoever abets an assault by an officer, soldier, 1*[sailor or airman], in the Army, 2*[Navy or Air Force] of the 3*[Government of India], on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

135.

Abetment of desertion of soldier, sailor or airman.

135. Abetment of desertion of soldier, sailor or airman.- -
Whoever, abets the desertion of any officer, soldier, 1*[sailor or airman], in the Army, 2*[Navy or Air Force] of the 3*[Government of India], shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

136.

Harbouring deserter.

136. Harbouring deserter.--Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, 1*[sailor or airman], in the Army, 2*[Navy or Air Force] of the 3*[Government of India], has deserted, harbours such officer, soldier, 1*[sailor or airman], shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

Exception.-This provision does not extend to the case in which the harbour is given by a wife to her husband.

137.

Deserter concealed on board merchant vessel through negligence of master.

137. Deserter concealed on board merchant vessel through negligence of master.--The master or person in charge of a merchant vessel, on board of which any deserter from the Army, 2*[Navy or Air Force] of the 3*[Government of India] is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding

131 five hundred rupees, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

138.

Abetment of act of insubordination by soldier, sailor or airman.

138. Abetment of act of insubordination by soldier, sailor or airman.-Whoever abets what he knows to be an act of insubordination by an officer, soldier, 1*[sailor or airman], in the Army, 2*[Navy or air Force], of the 3*[Government of India], shall, if such act of

insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

138A.

[Repealed.]

138A. [Application of foregoing sections to the Indian Marine Service.] Rep. by the Amending Act, 1934 (35 of 1934), s. 2 and Sch.

1. Subs. by Act 10 of 1927, s. 2 and Sch. I, for "or sailor".

2. Subs. by s. 2 and Sch. I, *ibid.*, for "or Navy".

3. Subs. by the A.O. 1950, for "Queen".

4. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

139.

Persons subject to certain Acts.

139. Persons subject to certain Acts.--No person subject to 1*

[the Army Act, 2*[the Army Act, 1950 (46 of 1950)], the Naval Discipline Act, 3*[4***the Indian Navy (Discipline) Act, 1934 (34 of 1934)], 5*[the Air Force Act or 6*[the Air Force Act, 1950 (45 of 1950)]]], is subject to punishment under this Code for any of the offences defined in this Chapter.

140.

Wearing garb or carrying token used by soldier, sailor or airman.

140. Wearing garb or carrying token used by soldier, sailor or airman.--Whoever, not being a soldier, 7*[sailor or airman] in the Military, 8*[Naval or Air] service of the 9*[Government of India], wears any garb or carries any token resembling any garb or token used by such a soldier, 7*[sailor or airman] with the intention that it may be believed that he is such a soldier, 7*[sailor or airman], shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.CHAPTER VIII

OF OFFENCES AGAINST THE PUBLIC TRANQUILLITYCHAPTER VIII
OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY

141.

Unlawful assembly.

141. Unlawful assembly.--An assembly of five or more persons is designated an "unlawful assembly", if the common object of the persons composing that assembly is-

First.-To overawe by criminal force, or show of criminal force, 10*[the Central or any State Government or Parliament or the Legislature of any State], or any public servant in the exercise of the lawful power of such public servant; or

Second.-To resist the execution of any law, or of any legal process; or

Third.-To commit any mischief or criminal trespass, or other offence; or

Fourth.-By means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

Fifth.-By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

132 Explanation.-An assembly which was not unlawful when it
assembled, may subsequently become an unlawful assembly.

142.

Being member of unlawful assembly.

142. Being member of unlawful assembly.--Whoever, being aware of

facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

1. Subs. by Act 10 of 1927, s. 2 and Sch. I, for "any Articles of War for the Army or Navy of the Queen, or for any part of such Army or Navy".
2. Subs. by Act 3 of 1951, s. 3 and Sch., for "the Indian Army Act, 1911".
3. Ins. by Act 35 of 1934, s. 2 and Sch.
4. The words "or that Act as modified by" rep. by the A.O. 1950.
- 5, Subs. by Act 14 of 1932, s. 130 and Sch., for "or the Air Force Act".
6. Subs. by Act 3 of 1951, s. 3 and Sch., for "the Indian Air Force Act, 1932".
7. Ins. by Act 10 of 1927, s. 2 and Sch. I.
8. Subs. by s. 2 and Sch. I, *ibid.*, for "or Naval".
9. Subs. by the A.O. 1950, for "Queen".
10. Subs., *ibid.*, for "the Central or any Provincial Government or Legislature".

143.

Punishment.

143. Punishment.--Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

144.

Joining unlawful assembly armed with deadly weapon.

144. Joining unlawful assembly armed with deadly weapon.- -

Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

145.

Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.

145. Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.--Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extent to two years, or with fine, or with both.

146.

Rioting.

146. Rioting.--Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

147.

Punishment for rioting.

147. Punishment for rioting.--Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

148.

Rioting, armed with deadly weapon.

148. Rioting, armed with deadly weapon.--Whoever is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

149.

Every member of unlawful assembly guilty of offence committed in prosecution of common object.

149. Every member of unlawful assembly guilty of offence

committed in prosecution of common object.--If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

150.

Hiring, or conniving at hiring, of persons to join unlawful assembly.

150. Hiring, or conniving at hiring, of persons to join unlawful assembly.--Whoever hires or engages, or employs, or promotes, or connives at the hiring, engagement or employment of any person to join or become a member of any unlawful assembly, shall be punishable as a member of such unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly in pursuance of such hiring, engagement or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.

151.

Knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse.

151. Knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse.--Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Explanation.--If the assembly is an unlawful assembly within the

133 meaning of section 141, the offender will be punishable under section

145.

152.

Assaulting or obstructing public servant when suppressing riot, etc.

152. Assaulting or obstructing public servant when suppressing riot, etc.--Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant, in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

153.

Want only giving provocation with intent to cause riot-if rioting be committed:if not committed.

153. Want only giving provocation with intent to cause riot--if rioting be committed: if not committed.-Whoever malignantly, or wantonly by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both, and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

153A.

Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

1*[153A. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.--(1) Whoever -
(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever,

disharmony or feelings of enmity, hatred or ill-will between different religious, racials, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, 2*[or]

2*[(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,]

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Offence committed in place of worship, etc.--Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]

153B.

Imputations, assertions prejudicial to national integration.

2*[153B. Imputations, assertions prejudicial to national integration.--(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise, -

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of persons by reason of their being members of any religious, racial, language or regional group or caste or community be denied, or deprived of their rights as citizens of India, or

5. Ins. by Act 31 of 1972, s. 2.

(c) makes or publishes an assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1), in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine].

154.

Owner or occupier of land on which an unlawful assembly is held.

154. Owner or occupier of land on which an unlawful assembly is held.--Whenever any unlawful assembly or riot takes place, the owner or occupier of the land upon which such unlawful assembly is held, or such riot is committed, and any person having or claiming an interest in such land, shall be punishable with fine not exceeding one thousand rupees, if he or his agent or manager, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his or their power to the principal officer at the nearest police-station, and do not, in the case of his or their having reason to believe that it was about to be committed, use all lawful means in his or their power to prevent it and, in the event of its taking place, do not use all lawful means in his or their power to disperse or suppress the riot or unlawful assembly.

155.

Liability of person for whose benefit riot is committed.

155. Liability of person for whose benefit riot is committed.- -

Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such

riot takes place or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to be committed or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for suppressing and dispersing the same.

156.

Liability of agent of owner or occupier for whose benefit riot is committed.

156. Liability of agent of owner or occupier for whose benefit riot is committed.--Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by

which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same.

157.

Harbouring persons hired for an unlawful assembly.

157. Harbouring persons hired for an unlawful assembly.--Whoever harbours, receives or assembles, in any house or premises in his occupation or charge, or under his control any persons knowing that such persons have been hired, engaged or employed, or are about to be hired, engaged or employed, to join or become members of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

158.

Being hired to take part in an unlawful assembly or riot;

158. Being hired to take part in an unlawful assembly or riot;- -

Whoever is engaged, or hired, or offers or attempts to be hired or

135 engaged, to do or assist in doing any of the acts specified in section

141, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both. or to go armed.

or to go armed.--and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly weapon or with anything which used as a weapon of offence is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

159.

Affray.

159. Affray.--When two or more persons, by fighting in a public place, disturb the public peace, they are said to "commit an affray".

160.

Punishment for committing affray.

160. Punishment for committing affray.--Whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.CHAPTER IX

OF OFFENCES BY OR RELATING TO PUBLIC SERVANTSCHAPTER IX

OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

161 to 165A.

161 to 165A.Rep. by the Prevention of Corruption Act, 1988 (49 of 1988), s. 31.

166.

Public servant disobeying law, with intent to cause injury to any person.

166. Public servant disobeying law, with intent to cause injury to any person.--Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

IIIustration

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favour by a Court of Justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

167.

Public servant framing an incorrect document with intent to cause injury.

167. Public servant framing an incorrect document with intent to cause injury.--Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document, frames or translates that document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

168.

Public servant unlawfully engaging in trade.

168. Public servant unlawfully engaging in trade.--Whoever, being a public servant, and being legally bound as such public servant not to engages in trade, engages in trade, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

169.

136 Public servant unlawfully buying or bidding for property.
169. Public servant unlawfully buying or bidding for property.- -
Whoever, being a public servant, and being legally bound as such
public servant, not to purchase or bid for certain property, purchases
or bids for that property, either in his own name or in the name of
another, or jointly, or in shares with others, shall be punished with
simple imprisonment for a term which may extend to two years, or with
fine, or with both; and the property, if purchased, shall be confiscated.
170.

Personating a public servant.

170. Personating a public servant.--Whoever pretends to hold any
particular office as public servant, knowing that he does not hold
such office or falsely personates any other person holding such
office, and in such assumed character does or attempts to do any act
under colour of such office, shall be punished with imprisonment of
either description for a term which may extend to two years, or with
fine, or with both.

171.

Wearing garb or carrying token used by public servant with fraudulent
intent.

171. Wearing garb or carrying token used by public servant with
fraudulent intent.--Whoever, not belonging to a certain class of public
servants, wears any garb or carries any token resembling any garb or token
used by that class of public servants, with the
intention that it may be believed, or with the knowledge that it is
likely to be believed, that he belongs to that class of public
servants, shall be punished with imprisonment of either description,
for a term which may extend to three months, or with fine which may extend
to two hundred rupees, or with both.

CHAPTER I

INTRODUCTIONCHAPTER IXA

OF OFFENCES RELATING TO ELECTIONS

1*[CHAPTER IXA

OF OFFENCES RELATING TO ELECTIONS

171A.

"Candidate", "Electoral right" defined.

171A. "Candidate", "Electoral right" defined.--For the purposes of this Chapter-

2*[(a) "candidate" means a person who has been nominated as a candidate at any election;]

(b) "electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

171B.

Bribery.

171B. Bribery.--(1) Whoever -

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right,

commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171C.

Undue influence at elections.

137 171C. Undue influence at elections.--(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election. (2) Without prejudice to the generality of the provisions of sub - section (1), whoever -
(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or
(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).
1. Chapter IXA was ins. by Act 39 of 1920, s. 2.
2. Subs. by Act 40 of 1975, s. 9. for cl. (a), (w.e.f. 6-8-1975).
(3) A declaration of public policy or a promise of public action, or the mere exercise or a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.
171D.
Personation at elections.
171D. Personation at elections.--Whoever at an election applies for a voting paper on votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.
171E.
Punishment for bribery.
171E. Punishment for bribery.--Whoever commits the offence of bribery shall be punished with imprisonment of either description for

a term which may extend to one year, or with fine, or with both:
Provided that bribery by treating shall be punished with fine
only.

Explanation.--"Treating" means that form of bribery where the
gratification consists in food, drink, entertainment, or provision.
171F.

Punishment for undue influence or personation at an election.

171F. Punishment for undue influence or personation at an
election.--Whoever commits the offence of undue influence or
personation at an election shall be punished with imprisonment of

either description for a term which may extend to one year or with fine, or with both.

171G. False statement in connection with an election.

171G. False statement in connection with an election.--Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

171H.

Illegal payments in connection with an election.

171H. Illegal payments in connection with an election.--Whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees :

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

138 171-I.

Failure to keep election accounts.

171-I. Failure to keep election accounts.--Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.]CHAPTER X

OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTSCHAPTER X
OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

172. Absconding to avoid service of summons or other proceeding.

172. Absconding to avoid service of summons or other proceeding. -

Whoever absconds in order to avoid being served with a summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;

or, if the summons or notice or order is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

173.

Preventing service of summons or other proceeding, or preventing publication thereof.

173. Preventing service of summons or other proceeding, or preventing publication thereof.--Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any public servant legally

competent, such public servant, to issue such summons,
notice or order,
or intentionally prevents the lawful affixing to any place of any
such summons, notice or order,
or intentionally removes any such summons, notice or order from
any place to which it is lawfully affixed,
or intentionally prevents the lawful making of any proclamation,
under the authority of any public servant legally competent, as such
public servant, to direct such proclamation to be made,
shall be punished with simple imprisonment for a term which may
extend to one month, or with fine which may extend to five hundred rupees,
or with both;

or, if the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
174.

Non-attendance in obedience to an order from public servant.

174. Non-attendance in obedience to an order from public servant.--Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order, or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;

or, if the summons, notice, order or proclamation is to attend in person or by agent in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Illustrations

(a) A, being legally bound to appear before the 1*[High Court] at Calcutta, in obedience to a subpoena issuing from that Court, intentionally omits to appear. A has committed the offence defined in this section.

(b) A, being legally bound to appear before a 2*[District Judge], as a witness, in obedience to a summons issued by that

139 2*[District Judge] intentionally omits to appear. A has committed the offence defined in this section.

175.

Omission to produce document to public servant by person legally bound to produce it.

175. Omission to produce document to public servant by person legally bound to produce it.--Whoever, being legally bound to produce or deliver up any document to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;

1. Subs. by the A.O. 1950, for "Supreme Court".

2. Subs. ibid., for "Zila Judge".

or, if the document is to be produced or delivered up to a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Illustration

A, being legally bound to produce a document before a

1*[District court], intentionally omits to produce the same. A has committed the offence defined in this section.

176.

Omission to give notice or information to public servant by person legally bound to give it.

176. Omission to give notice or information to public servant by

person legally bound to give it.--Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;

or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which

-----may extend to six months, or with fine which may extend to one

thousand rupees, or with both;

2*[or, if the notice or information required to be given is required by an order passed under sub-section (1) of section 565 of the Code of Criminal Procedure, 1898 (5 of 1898), with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.]

177.

Furnishing false information.

177. Furnishing false information.--Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations

(a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.

(b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being bound under clause 5, section VII, 3*Regulation III, 1821, of the Bengal Code, to give early and punctual information of the above fact to the officer of the nearest police station, wilfully misinforms the police officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in the latter part of this section.

1. Subs. by the A.O. 1950, for "Zila Court".

2. Ins. by Act 22 of 1939, s. 2.

3. Rep. by Act 17 of 1862.

1*[Explanation.--In section 176 and in this section the word 140

"offence" includes any act committed at any place out of 2*[India], which, if committed in 2*[India], would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and the word "offender" includes any person who is alleged to have been guilty of any such act.]

178.

Refusing oath or affirmation when duly required by public servant to make it.

178. Refusing oath or affirmation when duly required by public servant to make it.--Whoever refuses to bind himself by an oath 3*[or affirmation] to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

179.

Refusing to answer public servant authorized to question.

179. Refusing to answer public servant authorized to question.- - Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

180.

Refusing to sign statement.

180. Refusing to sign statement.--Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

181.

False statement on oath or affirmation to public servant or person

---authorized to administer an oath or affirmation.

181. False statement on oath or affirmation to public servant or person authorized to administer an oath or affirmation.--Whoever, being legally bound by an oath 3*[or affirmation] to state the truth on any subject to any public servant or other person authorized by law to administer such oath 3*[or affirmation], makes, to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

182.

False information, with intent to cause public servant to use his lawful power to the injury of another person.

4*[182. False information, with intent to cause public servant to use his lawful power to the injury of another person.--Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause such public servant -

(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(b) to use the lawful power of such public servant to the injury or annoyance of any person,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

1. Ins. by Act 3 of 1894, s. 5

2. Subs. by Act 3 of 1951, s. 3 and sch. for "the States".

3. Ins. by Act 10 of 1873, s. 15.

4. Subs. by Act 3 of 1895, s. 1, for the original s. 182.

Illustrations

(a) A informs a Magistrate that Z, a police-officer, subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section. 141

(b) A falsely informs a public servant that Z has contraband salt

in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section.

(c) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section.]

183.

Resistance to the taking of property by the lawful authority of a public servant.

183. Resistance to the taking of property by the lawful authority of a public servant.--Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

184.

Obstructing sale of property offered for sale by authority of public servant.

184. Obstructing sale of property offered for sale by authority of public servant.--Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

185.

Illegal purchase or bid for property offered for sale by authority of public servant.

185. Illegal purchase or bid for property offered for sale by authority of public servant.--Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids

142 for any property on account of any person, whether himself
or any
other, whom he knows to be under a legal incapacity to purchase that
property at that sale, or bids for such property not intending to

perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

186.

Obstructing public servant in discharge of public functions.

186. Obstructing public servant in discharge of public functions.--Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

187. Omission to assist public servant when bound by law to give assistance.

187. Omission to assist public servant when bound by law to give assistance.--Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both; and if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or suppressing a riot, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

188.

Disobedience to order duly promulgated by public servant.

188. Disobedience to order duly promulgated by public servant.- - Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain

from a certain act, or to take certain order with certain property in his possession or under his management. disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both:

and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.-It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in

this section.

189.

Threat of injury to public servant.

189. Threat of injury to public servant.--Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

190.

Threat of injury to induce person to refrain from applying for protection to public servant.

190. Threat of injury to induce person to refrain from applying for protection to public servant.--Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant legally empowered as such to

143 give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. CHAPTER XI OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE CHAPTER XI OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE 191.

Giving false evidence.

191. Giving false evidence.--Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence. Explanation 1.-A statement is within the meaning of this section whether it is made verbally or otherwise.

Explanation 2.-A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

Illustrations

(a) A, in support of a just claim which B has against Z for one thousand rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.

(b) A, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

(c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives false evidence whether Z was at that place on the day named or not.

(e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document, which he is bound by oath to interpret or translate truly, that which is not and which he does not believe to be a true interpretation or translation.

A has given false evidence.

192.

Fabricating false evidence.

192. Fabricating false evidence.--Whoever causes any circumstance to exist or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding is said "to fabricate false evidence".

Illustrations

(a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

(b) A makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a Court of Justice. A has fabricated false evidence.

(c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the police are likely to search. A has fabricated false evidence.

193.

Punishment for false evidence.

193. Punishment for false evidence.--Whoever intentionally gives false evidence in any of a judicial proceeding, or fabricates false

144 evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1.-A trial before a Court-martial 1****is a judicial proceeding.

Explanation 2.-An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration

A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A as given false evidence.

Explanation 3.-An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration

A, in an enquiry before an officer deputed by a Court of Justice to ascertain on the spot the boundaries of land, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

194.

Giving or fabricating false evidence with intent to procure conviction

of capital offence;

194. Giving or fabricating false evidence with intent to procure conviction of capital offence.--Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital 2*[by the laws for the time being in force in 3*[India]] shall be punished with 4*[imprisonment for life], or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine;

-----If
innocent person be thereby convicted and executed.

If innocent person be thereby convicted and executed.--and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

195.

Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.

195. Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.--Whoever gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which 2*[by the law for the time being in force in 3*[India]] is not capital, but punishable with 4*[imprisonment for life], or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration

A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is 4*[imprisonment for life], or rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to 5*[imprisonment for life] or imprisonment, with or without fine.

196.

Using evidence known to be false.

196. Using evidence known to be false.--Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

1. The words "or before a Military Court of Request" were omitted by the Cantonments Act, 1889 (13 of 1889).

2. Subs. by the A.O. 1948, for "by the law of British India or England".

3. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

145 4. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

5. Subs. by s. 117 and Sch., *ibid.*, for "such transportation".
197.

Issuing or signing false certificate.

197. Issuing or signing false certificate.--Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

198. Using as true a certificate known to be false.

198. Using as true a certificate known to be false.--Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

199.

False statement made in declaration which is by law receivable as evidence.

199. False statement made in declaration which is by law receivable as evidence.--Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorized by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

200.

Using as true such declaration knowing it to be false.

200. Using as true such declaration knowing
it to be false.- -

Whoever corruptly uses or attempts to use as true any such declaration,
knowing the same to be false in any material point, shall
be punished in the same manner as if he gave false evidence.

Explanation.-A declaration which is inadmissible merely upon the
ground of some informality, is a declaration within the meaning of
sections 199 and 200.

201.

Causing disappearance of evidence of offence, or giving false
information to screen offender.

201. Causing disappearance of evidence of offence, or giving
false information to screen offender.--Whoever, knowing or having
reason to believe that an offence has been committed, causes any
evidence of the commission of that offence to disappear, with the
intention of screening the offender from legal punishment, or with
that intention gives any information respecting the offence which he
knows or believes to be false,

if a capital offence;

if a capital offence.--shall, if the offence which he knows or
believes to have been committed is punishable with death, be punished
with imprisonment of either description for a term which may extend to
seven years, and shall also be liable to fine;

if punishable with imprisonment for life;

if punishable with imprisonment for life.--and if the offence is
punishable with 1*[imprisonment for life], or with imprisonment
which may extend to ten years, shall be punished with imprisonment of
either description for a term which may extend to three years, and
shall also be liable to fine;

if punishable with less than ten years' imprisonment.

if punishable with less than ten years' imprisonment.- -

and if the offence is punishable with imprisonment for any term not
extending to ten years, shall be punished with imprisonment of the
description provided for the offence, for a term which may extend to
one-fourth part of the longest term of the imprisonment provided for
the offence, or with fine, or with both.

Illustration

146 A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.
202.

Intentional omission to give information of offence by person bound to inform.

202. Intentional omission to give information of offence by person bound to inform.--Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for

life".

203.

Giving false information respecting an offence committed.

203. Giving false information respecting an offence committed.- -
Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

1*[Explanation.-In sections 201 and 202 and in this section the word "offence" includes any act committed at any place out of 2*[India], which, if committed in 2*[India], would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.]

204.

Destruction of document to prevent its production as evidence.

204. Destruction of document to prevent its production as evidence.--Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant, as such, or

obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

205.

False personation for purpose of act or proceeding in suit or prosecution.

205. False personation for purpose of act or proceeding in suit or prosecution.--Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

206.

Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution.

206. Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution.--Whoever fraudulently removes, conceals, transfers or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

207.

Fraudulent claim to property to prevent its seizure as forfeited or in execution.

207. Fraudulent claim to property to prevent its seizure as

forfeited or in execution.--Whoever fraudulently accepts, receives or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practices any

147 deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

1. Ins. by Act 3 of 1894, s. 7.

2. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

208.

Fraudulently suffering decree for sum not due.

208. Fraudulently suffering decree for sum not due.--Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due or for a larger sum than is due to such person or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustration

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this section.

209.

Dishonestly making false claim in Court.

209. Dishonesty making false claim in Court.--Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court of Justice any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

210.

Fraudulently obtaining decree for sum not due.

210. Fraudulently obtaining decree for sum not due.--Whoever fraudulently obtains a decree or order against any person for a sum not due, or for a larger sum than is due or for any property or interest in property to which he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied or for anything in respect of which it has been satisfied, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

211.

False charge of offence made with intent to injure.

211. False charge of offence made with intent to injure.- -

Whoever, with intent to cause injury to any person, institutes or

causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

and if such criminal proceeding be instituted on a false charge of an offence punishable with death 1*[imprisonment for life], or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

212.

Harbouring offender-if a capital offence, if punishable with imprisonment for life, or with imprisonment.

212. Harbouring offender.--Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment,
if a capital offence;

148 if a capital offence;--shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; if punishable with imprisonment for life, or with imprisonment. - - and if the offence is punishable with 1*[imprisonment for life], or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment which may extend to one year, and not to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

1*["Offence" in this section includes any act committed at any place out of 2*[India], which, if committed in 2*[India], would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in 2*[India].]

Exception.-This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.
Illustration

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to 3*[imprisonment for life], A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

213.

Taking gift, etc., to screen an offender from punishment-if a capital offence; if punishable with imprisonment for life, or with imprisonment.

213. Taking gift, etc., to screen an offender from punishment--Whoever accepts or attempts to obtain, or agrees to accept, any gratification

for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment,
if a capital offence;
if a capital offence;-shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;
if punishable with imprisonment for life, or with imprisonment.
if punishable with imprisonment for life, or with imprisonment.- -
and if the offence is punishable with 3*[imprisonment for life], or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;
and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

214.

Offering gift or restoration of property in consideration of screening offender-if a capital offence; if punishable with imprisonment for life, or with imprisonment.

214. Offering gift or restoration of property in consideration of screening offender.--Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or 4*[restores or causes the restoration of] any property to any person, in consideration of that person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment,

if a capital offence;

if a capital offence;-shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

149 if punishable with imprisonment for life, or with imprisonment.
if punishable with imprisonment for life, or with imprisonment. -
and if the offence is punishable with 3*[imprisonment for life] or
with imprisonment which may extend to ten years, shall be punished with
imprisonment of either description for a term which may extend to
three years, and shall also be liable to fine;

1. Ins. by Act 3 of 1894, s. 7.

2. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

3. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for
life".

4. Subs. by Act 42 of 1953, s. 4 and the Third Sch., for "to restore
or cause the restoration of".

and if the offence is punishable with imprisonment not extending
to ten years, shall be punished with imprisonment of the description
provided for the offence for a term which may extend to one-fourth
part of the longest term of imprisonment provided for the offence, or
with fine, or with both.

1*[Exception.-The provisions of sections 213 and 214 do not
extend to any case in which the offence may lawfully be compounded.]

2* * * * *

215.

Taking gift to help to recover stolen property, etc.

215. Taking gift to help to recover stolen property, etc.- -

Whoever takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any movable property of which he shall have been deprived by any offence punishable under this Code, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

216.

Harbouring offender who has escaped from custody or whose apprehension has been ordered-if a capital offence; if punishable with imprisonment for life, or with imprisonment.

216. Harboursing offender who has escaped from custody or whose apprehension has been ordered.--Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following, that is to say,

if a capital offence;

if a capital offence;--if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

if punishable with imprisonment for life, or with imprisonment.

if punishable with imprisonment for life, or with imprisonment. -

if the offence is punishable with 3*[imprisonment for life] or imprisonment for ten years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine;

and if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence or with fine, or with both.

4*["Offence" in this section includes also any act or omission of which a person is alleged to have been guilty out of 5*[India], which, if he had been guilty of it in 5*[India], would have been punishable as an offence, and for which he is, under any law relating to extradition, 6*or otherwise liable to be apprehended or detained in custody in 5*[India], and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in 5*[India].]

Exception.--The provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

216A.

Penalty for harbouring robbers or dacoits.

150 7*[216A. Penalty for harbouring robbers or dacoits.--Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or dacoity,

1. Subs. by Act 8 of 1882, s. 6, for the original Exception.
2. Illustration rep. by Act 10 of 1882, s. 2 and Sch. I.
3. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".
4. Ins. by Act 10 of 1886, s. 23.
5. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".
6. The words "or under the Fugitive Offenders Act, 1881" omitted by s. 3 and Sch., *ibid*.
7. Ins. by Act 3 of 1894, s. 8.

harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Explanation.-For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without 1*[India].

Exception.-This provision does not extend to the case in which the harbour is by the husband or wife of the offender.]

216B.

[Repealed.]

2*[216B. Definition of "harbour" in sections 212, 216 and 216A.] Rep. by the Indian Penal Code (Amendment) Act, 1942 (8 of 1942), s. 3.

217.

Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.

217. Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.--Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to

save, or knowing that he is likely thereby to save, any property from forfeiture or any charge to which it is liable by law, shall be

punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

218.

Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture.

218. Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture.- -
Whoever, being a public servant, and being as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

219.

Public servant in judicial proceeding corruptly making report, etc., contrary to law.

219. Public servant in judicial proceeding corruptly making report, etc., contrary to law.--Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

220.

Commitment for trial or confinement by person having authority who knows that he is acting contrary to law.

220. Commitment for trial or confinement by person having authority who knows that he is acting contrary to law.--Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority,

151 knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

221.

Intentional omission to apprehend on the part of public servant bound to apprehend.

221. Intentional omission to apprehend on the part of public servant bound to apprehend.--Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say: -

with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with death; or
1. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

2. Ins. by Act 3 of 1894, s. 8.

with imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with 1*[imprisonment for life] or imprisonment for a term which may extend to ten years; or

with imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for a term less than ten years.

222.

Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed.

222. Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed.--
Whoever, being a public servant, legally bound as such

public servant to apprehend or to keep in confinement any person under sentence of a Court of Justice for any offence 2*[or lawfully committed to custody], intentionally omits to apprehend such person, or intentionally suffers such person to escape or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say: -
with 1*[imprisonment for life] or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death; or
with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who, ought to have been apprehended, is subject, by a sentence of a Court of Justice, or by virtue of a commutation of such sentence, to 1*[imprisonment for life] 3*** 4*** 5*** 6*** or imprisonment for a term of ten years or upwards; or
with imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement, or who ought to have been apprehended is subject, by a sentence of a Court of Justice, to imprisonment for a term not extending to ten years 2*[or if the person was lawfully committed to custody].

223.

Escape from confinement or custody negligently suffered by public servant.

223. Escape from confinement or custody negligently suffered by public servant.--Whoever, being a public servant legally bound as such public servant to keep in confinement any person charged with or convicted of any offence 2*[or lawfully committed to custody], negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

224.

Resistance or obstruction by a person to his lawful apprehension.

224. Resistance or obstruction by a person to his lawful apprehension.--Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

152 Explanation.-The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

2. Ins. by Act 27 of 1870, s. 8.

3. The words "or penal servitude for life" omitted by Act 17 of 1949, s. 2.

4. The words "or to" omitted by Act 36 of 1957, s. 3 and Sch. II.

5. The word "transportation" omitted by Act 26 of 1955, s. 117 and Sch.

6. The words "or penal servitude" omitted by Act 17 of 1949, s. 2. 225.

Resistance or obstruction to lawful apprehension of another person.

225. Resistance or obstruction to lawful apprehension of another person.--Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with 1*[imprisonment for life] or imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or, if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to 1*[imprisonment for life], 2*** 3*** 4*** or imprisonment, for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or, if the person to be apprehended or rescued, or attempted to

-----be
rescued, is under sentence of death, shall be punished with
1[imprisonment for life] or imprisonment of either description for a
term not exceeding ten years, and shall also be liable to fine.
225A.

Omission to apprehend, or sufferance of escape, on part of public
servant, in cases not otherwise, provided for.

5*[225A. Omission to apprehend, or sufferance of escape, on
part of public servant, in cases not otherwise, provided for.- -
Whoever, being a public servant legally bound as such public servant
to apprehend, or to keep in confinement, any person in any case not
provided for in section 221, section 222 or section 223, or in any
other law for the time being in force, omits to apprehend that person
or suffers him to escape from confinement, shall be punished -
(a) if he does so intentionally, with imprisonment of either
description for a term which may extend to three years, or with
fine or with both; and

(b) if he does so negligently, with simple imprisonment for
a term which may extend to two years, or with fine, or with both.
225B.

Resistance or obstruction to lawful apprehension, or escape or rescue
in cases not otherwise provided for.

225B. Resistance or obstruction to lawful apprehension, or escape
or rescue in cases not otherwise provided for.--Whoever, in any case
not provided for in section 224 or section 225 or in any other law for
the time being in force, intentionally offers any resistance or

illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.]

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

2. The words "or to" omitted by Act 36 of 1957, s. 3 and Sch. II.

3. The word "transportation" omitted by Act 26 of 1955, s. 117 and Sch.

4. The words "penal servitude" rep. by Act 17 of 1949, s. 2.

5. Ss. 225A and 225B were subs. by Act 10 of 1886, s. 24(1), for s. 225A, which had been ins. by Act 27 of 1870, s.9.

226.

[Repealed.]

226. [Unlawful return from transportation.] Rep. by the Code of Criminal Procedure (Amendment) Act, 1955 (26 of 1955), s. 117 and Sch. 227.

Violation of condition of remission of punishment.

227. Violation of condition of remission of punishment.--Whoever, having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced, if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

228.

Intentional insult or interruption to public servant sitting in judicial proceeding.

228. Intentional insult or interruption to public servant sitting in judicial proceeding.--Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

228A.

Disclosure of identity of the victim of certain offences, etc.

1*[228A. Disclosure of identity of the victim of certain offences, etc.--(1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under section 376, section 376A, section 376B, section 376C or section 376D is alleged or found to have been committed (hereafter in this section referred to as the victim) shall be punished with

-----imprisonment of either description for a term which may extend to two

years and shall also be liable to fine.

(2) Nothing in sub-section (1) extends to any printing or publication of the name or any matter which may make known the identity of the victim if such printing or publication is -

(a) by or under the order in writing of the officer-in-charge of the police station or the police officer making the investigation into such offence acting in good faith for the purposes of such investigation; or

(b) by, or with the authorisation in writing of, the victim; or

(c) where the victim is dead or minor or of unsound mind, by, or with the authorisation in writing of, the next-of-kin of the victim:

Provided that no such authorisation shall be given by the next-

of-kin to anybody other than the chairman or the secretary, by whatever name called, of any recognised welfare institution or organisation.

Explanation.-For the purposes of this sub-section, "recognised welfare institution or organisation" means a social welfare institution or organisation recognised in this behalf by the Central or State Government.

(3) Whoever prints or publishes any matter in relation to any proceeding before a court with respect to an offence referred to in sub-section (1) without the previous permission of such court shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Explanation.-The printing or publication of the judgment of any High Court or the Supreme Court does not amount to an offence within the meaning of this section.]

229.

Personation of a juror or assessor.

229. Personation of a juror or assessor.--Whoever, by personation or otherwise, shall intentionally cause, or knowingly suffer himself to be returned, empanelled or sworn as a jurymen or assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled or sworn, or knowing himself to have been so returned, empanelled or sworn contrary to law, shall voluntarily serve on such jury or as such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

1. Ins. by Act 43 of 1983, s. 2 (w.e.f. 25-12-1983).

154CHAPTER XII

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPSCHAPTER XII

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS

230.

"Coin" defined.

230. "Coin" defined.--1*[Coin is metal used for the time being as money, and stamped and issued by the authority of some State or Sovereign Power in order to be so used.]

Indian coin

Indian coin--2*[Indian coin is metal stamped and issued by the authority of the Government of India in order to be used as money; and metal which has been so stamped and issued shall continue to be Indian coin for the purposes of this Chapter, notwithstanding that it may have ceased to be used as money.]

Illustrations

(a) Cowries are not coin.

(b) Lumps of unstamped copper, though used as money, are not coin.

(c) Medals are not coin, inasmuch as they are not intended to be used as money.

(d) The coin denominated as the Company's rupee is 3[Indian coin].

4*(e)The "Farukhabad rupee", which was formerly used as money under the authority of the Government of India, is 3[Indian coin] although it is no longer so used.]

231.

Counterfeiting coin.

231. Counterfeiting coin.--Whoever counterfeits or knowingly performs any part of the process of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation.-A person commits this offence who intending to practise deception, or knowing it to be likely that deception will thereby be practised, causes a genuine coin to appear like a different coin.

232.

Counterfeiting Indian coin.

232. Counterfeiting Indian coin.--Whoever counterfeits, or knowingly performs any part of the process of counterfeiting

3*[Indian coin], shall be punished with 5*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

233.

Making or selling instrument for counterfeiting coin.

233. Making or selling instrument for counterfeiting coin.- -

Whoever makes or mends, or performs any part of the process of making or mending, or buys, sells or disposes of, any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extended to three years, and shall also be liable to fine.

234.

Making or selling instrument for counterfeiting Indian coin.

234. Making or selling instrument for counterfeiting Indian coin.--Whoever makes or mends, or performs any part of the process of making or mending or buys, sells or disposes of, any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting 3[Indian coin], shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

155 1. Subs. by Act 19 of 1872, s. 1, for the original paragraph.
2. Subs. by the A.O. 1950, for the former paragraph.
3. Subs., ibid., for "the Queen's coin".
4. Ins. by Act 6 of 1896, s. 1(2).
5. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for
life".

235.

Possession of instrument or material for the purpose of using the
same for counterfeiting coin.

235. Possession of instrument or material for the purpose of
using the same for counterfeiting coin.--Whoever is in possession of any
instrument or material, for the purpose of using the same for
counterfeiting coin, or knowing or having reason to believe that the
same is intended to be used for that purpose, shall be punished with
imprisonment of either description for a term which may extend to
three years, and shall also be liable to fine;

if Indian coin.

if Indian coin.--and if the coin to be counterfeited is

1*[Indian coin], shall be punished with imprisonment of either
description for a term which may extend to ten years, and shall also
be liable to fine.

236.

Abetting in India the counterfeiting out of India of coin.

236. Abetting in India the counterfeiting out of India of coin.- -
Whoever, being within 2*[India] abets the counterfeiting of coin
out of 2*[India] shall be punished in the same manner as if he abetted the
counterfeiting of such coin within 2*[India].

237.

Import or export of counterfeit coin.

237. Import or export of counterfeit coin.--Whoever imports into
2*[India], or exports therefrom, any counterfeit coin, knowingly or

having reason to believe that the same is counterfeit, shall be punished with imprisonment of either description for a term which may

extend to three years, and shall also be liable to fine.

238.

Import or export of counterfeits of the Indian coin.

238. Import or export of counterfeits of the Indian coin.- -

Whoever imports into 2*[India], or exports therefrom, any counterfeit coin, which he knows or has reason to believe to be a counterfeit of 1*[Indian coin], shall be punished with 3*[Imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

239.

Delivery of coin possessed with knowledge that it is counterfeit.

239. Delivery of coin possessed with knowledge that it is counterfeit.--Whoever, having any counterfeit coin, which at the time when he became possessed of it, he knew to be counterfeit, fraudulently or with intent that fraud may be committed, delivers the same to any persons or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

240.

Delivery of Indian coin, possessed with knowledge that it is counterfeit.

240. Delivery of Indian coin, possessed with knowledge that it is counterfeit.--Whoever having any counterfeit coin, which is a counterfeit of 1*[Indian coin], and which, at the time when he became possessed of it, he knew to be a counterfeit of 1*[Indian coin], fraudulently or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

241.

Delivery of coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.

156 241. Delivery of coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.--Whoever delivers to any other person as genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin counterfeited, or with both.

1. Subs. by the A.O. 1950, for "the Queen's coin".
2. Subs. by Act 3 of 1951 s. 3 and Sch., for "the States".
3. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

Illustration

A, a coiner, delivers counterfeit Company's rupees to his accomplice B, for the purpose of uttering them. B sells the rupees to C, another utterer, who buys them knowing them to be counterfeit. C pays away the rupees for goods to D, who receives them, not knowing them to be counterfeit. D, after receiving the rupees, discovers that they are counterfeit and pays them away as if they were good. Here D

is punishable only under this section, but B and C are punishable under section 239 or 240, as the case may be.

242.

Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.

242. Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.--Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

243.

Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.

243. Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.--Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, which is a counterfeit of 1*[Indian coin], having known at the time when he became possessed of it that it was counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

244.

Person employed in mint causing coin to be of different weight or composition from that fixed by law.

244. Person employed in mint causing coin to be of different weight or composition from that fixed by law.--Whoever, being employed in any mint lawfully established in 2*[India], does any act, or omits what he is legally bound to do, with the intention of causing any coin issued from that mint to be of a different weight or composition from the weight or composition fixed by law, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

245.

Unlawfully taking coining instrument from mint.

245. Unlawfully taking coining instrument from mint.--Whoever, without lawful authority, takes out of any mint, lawfully established in 2[India], any coining tool or instrument, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

246.

Fraudulently or dishonestly diminishing weight or altering composition of coin.

246. Fraudulently or dishonestly diminishing weight or altering composition of coin.--Whoever, fraudulently or dishonestly performs on any coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation.-A person who scoops out part of the coin and puts anything else into the cavity alters the composition of the coin.

157 247.

Fraudulently or dishonestly diminishing weight or altering composition
of Indian coin.

247. Fraudulently or dishonestly diminishing weight or altering
composition of Indian coin.--Whoever fraudulently or dishonestly performs
on 3*[any Indian coin] any operation which diminishes the

weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

1. Subs. by the A. O. 1950, for "the Queen's coin".

2. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

3. Subs. by the A. O. 1950, for "any of the Queen's coin".

248.

Altering appearance of coin with intent that it shall pass as coin of different description.

248. Altering appearance of coin with intent that it shall pass as coin of different description.--Whoever performs on any coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

249.

Altering appearance of Indian coin with intent that it shall pass as coin of different description.

249. Altering appearance of Indian coin with intent that it shall pass as coin of different description.--Whoever performs on 1*[any Indian coin] any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

250.

Delivery of coin possessed with knowledge that it is altered.

250. Delivery of coin possessed with knowledge that it is altered.--Whoever, having coin in his possession with respect to which the offence defined in section 246 or 248 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

251.

Delivery of Indian coin, possessed with knowledge that it is altered.

251. Delivery of Indian coin, possessed with knowledge that it is altered.--Whoever, having coin in his possession with respect to which the offence defined in section 247 or 249 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

252.

Possession of coin by person who knew it to be altered when he became possessed thereof.

252. Possession of coin by person who knew it to be altered when he became possessed thereof.--Whoever fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the sections 246 or 248 has been committed having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

253.

Possession of Indian coin by person who knew it to be altered when he became possessed thereof.

158 253. Possession of Indian coin by person who knew it to be
altered when he became possessed thereof.--Whoever fraudulently or
with intent that fraud may be committed, is in possession of coin with
respect to which the offence defined in either of the sections 247 or

249 has been committed having known at the time of becoming possessed thereof, that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine. 254.

Delivery of coin as genuine which, when first possessed, the deliverer did not know to be altered.

254. Delivery of coin as genuine which, when first possessed, the deliverer did not know to be altered.--Whoever delivers to any other person as genuine or as a coin of a different description from what it is, or attempts to induce any person to receive as genuine, or as a different coin from what it is, any coin in respect of which he knows that any such operation as that mentioned in sections 246, 247, 248 or 249 has been performed, but in respect of which he did not, at the time when he took it into his possession, know that such operation had been performed, shall be punished with imprisonment of either description for a term which may extend to two

1. Subs. by the A. O. 1950, for "any of the Queen's coin". years or with fine to an amount which may extend to ten times the value of the coin for which the altered coin is passed, or attempted to be passed.

255.

Counterfeiting Government stamp.

255. Counterfeiting Government stamp.--Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any stamp issued by Government for the purpose of revenue shall be punished with 1*[imprisonment for life] or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.-A person commits this offence who counterfeits by causing a genuine stamps of one denomination to appear like a genuine stamp of a different denomination.

256.

Having possession of instrument or material for counterfeiting Government stamp.

256. Having possession of instrument or material for counterfeiting Government stamp.--Whoever has in his possession any instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

257.

Making or selling instrument for counterfeiting Government stamp.

257. Making or selling instrument for counterfeiting Government stamp.--Whoever makes or performs any part of the process of making, or buys, or sells, or disposes of, any instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

258.

Sale of counterfeit Government stamp.

258. Sale of counterfeit Government stamp.--Whoever sells, or

offers for sale, any stamp which he knows or has reason to believe to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

259.

Having possession of counterfeit Government stamp.

259. Having possession of counterfeit Government stamp.--Whoever has in his possession any stamp which he knows to be a counterfeit of any stamp issued by Government for the purpose of revenue, intending to use, or dispose of the same as a genuine stamp, or in order that it

159 may be used as a genuine stamp, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

260.

Using as genuine a Government stamp known to be counterfeit.

260. Using as genuine a Government stamp known to be counterfeit.--Whoever uses as genuine any stamp, knowing it to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

261.

Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government.

261. Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government.--Whoever, fraudulently or with intent to cause loss to the Government, removes or effaces from any substance, bearing any stamp issued by Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

262.

Using Government stamp known to have been before used.

262. Using Government stamp known to have been before used.- -

Whoever, fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

263.

Erasure of mark denoting that stamp has been used.

263. Erasure of mark denoting that stamp has been used.--Whoever, fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by Government for the purpose of revenue, any mark, put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession or sells or disposes of any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

263A.

Prohibition of fictitious stamps.

1*[263A. Prohibition of fictitious stamps.--(1) Whoever -

(a) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly uses for any postal purpose any fictitious stamp, or

(b) has in his possession, without lawful excuse, any fictitious stamp, or

(c) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp,

shall be punished with fine which may extend to two hundred rupees.

(2) Any such stamp, die, plate, instrument or materials in the possession of any person for making any fictitious stamp 2*[may be seized and, if seized] shall be forfeited.

(3) In this section "fictitious stamp" means any stamp falsely purporting to be issued by Government for the purpose of denoting a rate of postage, or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by Government for that purpose.

(4) In this section and also in sections 255 to 263, both inclusive, the word "Government", when used in connection with, or in reference to, any stamp issued for the purpose of denoting a rate of postage, shall, notwithstanding anything in section 17, be deemed to include the person or persons authorized by law to administer executive Government in any part of India, and also in any part of Her

160 Majesty's dominions or in any foreign country.]CHAPTER XIII

OF OFFENCES RELATING TO WEIGHTS AND MEASURESCHAPTER XIII

OF OFFENCES RELATING TO WEIGHTS AND MEASURES

264.

Fraudulent use of false instrument for weighing.

264. Fraudulent use of false instrument for weighing.--Whoever, fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

265.

Fraudulent use of false weight or measure.

265. Fraudulent use of false weight or measure.--Whoever, fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

1. S. 263A ins. by Act 3 of 1895, s. 2.

2. Subs. by Act 42 of 1953, s. 4 and the Third Sch., for "may be seized and".

266.

Being in possession of false weight or measure.

266. Being in possession of false weight or measure.--Whoever is in possession of any instrument for weighing, or of any weight, or of any measure of length or capacity, which he knows to be false, 1****

intending that the same may be fraudulently used, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

267.

Making or selling false weight or measure.

267. Making or selling false weight or measure.--Whoever makes, sells or disposes of any instrument for weighing, or any weight, or

any measure of length or capacity which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

CHAPTER I

INTRODUCTION

Preamble.-WHEREAS it is expedient to provide a general Penal Code for 2*[India];

It is enacted as follows:- -

1.

Title and extent of operation of the Code.

1. Title and extent of operation of the Code.--This Act shall be called the Indian Penal Code, and shall 3*[extend to the whole of India 4*[except the State of Jammu and Kashmir]].

2.

Punishment of offences committed within India.

3. Punishment of offences committed within India.--Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within 5*[India] 6****.

4.

Punishment of offences committed beyond, but which by law may be tried within, India.

-----3. Punishment of offences committed beyond, but which by law may be tried within, India.--Any person liable, by any 7*[Indian law], to be tried for an offence committed beyond 5*[India] shall be dealt with according to the provisions of this Code for any act committed beyond 5*[India] in the same manner as if such act had been committed within 5*[India].

5.

Extension of Code to extra-territorial offences.

8*[4. Extension of Code to extra-territorial offences.--The provisions of this Code apply also to any offence committed by- - 9*[(1) any citizen of India in any place without and beyond India;

(2) any person on any ship or aircraft registered in India wherever it may be.]

1. The Act has been amended in its application to Madras by Madras Act 25 of 1960, U. P. by U. P. Acts 31 of 1961, 29 of 1970 and 47 of 1975, Andhra Pradesh by Andhra Pradesh Act 16 of 1968, Maharashtra by Maharashtra Act 19 of 1971, Mysore by Mysore Act 8 of 1972, West Bengal by West Bengal Act 42 of 1973.

The Act has been extended to Goa, Daman and Diu with modifications by Reg. 12 of 1962, s. 3 and Sch., extended to and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I (w.e.f. 1-7-1965) and to Laccadive, Minicoy and Amindivi Islands by Reg. 8 of 1965, s. 3 and Sch. (w.e.f. 1-10 - 1967).

The Act comes into force in Pondicherry vide Reg. 7 of 1963, s. 3 and Sch. I (w.e.f. 1-10-1963).

2. Subs. by Act 3 of 1951, s. 3 and Sch., for "the whole of India except Part B States".

3. Subs. by the A. O. 1948, for "take effect * * * throughout British India". The words and figures "on and from the first day of May, 1861" occurring between the words "effect" and "throughout" were rep. by Act 12 of 1891.

4. Subs. by Act 3 of 1951, s. 3 and Sch., for "except Part B States".

5. Subs. by s. 3 and Sch., *ibid.*, for "the States".

6. The words and figures "on or after the said first day of May, 1861" omitted by Act 12 of 1891.

7. Subs. by the A. O. 1937, for "law passed by the Governor-General of India in Council".

102 8. Subs. by Act 4 of 1898, s. 2, for the original s. 4.
9. Subs. by the A. O. 1950, for the original cls. (1) to (4).

Explanation.

Explanation.--In this section the word "offence" includes every act committed outside 1*[India] which, if committed in 1*[India] would be punishable under this Code.

2*[Illustration]

3***A, 4*[who is 5*[a citizen of India]], commits a murder in Uganda. He can be tried and convicted of murder in any place in 1*[India] in which he may be found.

6* * * * *

8.

Certain laws not to be affected by this Act.

7*[5. Certain laws not to be affected by this Act.--Nothing in this Act shall affect the provisions of any Act for punishing mutiny and desertion of officers, soldiers, sailors or airmen in the service of the Government of India or the provision of any special or local law.]CHAPTER XIV

OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS

268.

Public nuisance.

268. Public nuisance.--A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.

A common nuisance is not excused on the ground that it causes some convenience or advantage.

269.

Negligent act likely to spread infection of disease dangerous to life.

269. Negligent act likely to spread infection of disease dangerous to life.--Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

270.

Malignant act likely to spread infection of disease dangerous to life.

270. Malignant act likely to spread infection of disease dangerous to life.--Whoever maliciously does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

271.

Disobedience to quarantine rule.

271. Disobedience to quarantine rule.--Whoever knowingly disobeys any rule made and promulgated 2*[by the 3* Government 4*] for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with

other vessels, for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

272.

Adulteration of food or drink intended for sale.

272. Adulteration of food or drink intended for sale.-Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

273.

161 Sale of noxious food or drink.

273. Sale of noxious food or drink.--Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food

1. The word "and" omitted by Act 42 of 1953, s. 4 and the third Sch.

2. Subs. by the A. O. 1937, for "by the G. of I., or by any Govt.".

3. The words "Central or any Provincial" rep. by the A. O. 1950.

4. The words "or the Crown Representative" were rep. by the A. O. 1948.

or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

274.

Adulteration of drugs.

274. Adulteration of drugs.--Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

275.

Sale of adulterated drugs.

275. Sale of adulterated drugs.--Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

276.

Sale of drug as a different drug or preparation.

276. Sale of drug as a different drug or preparation.--Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with

both.

277.

Fouling water of public spring or reservoir.

277. Fouling water of public spring or reservoir.--Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

278.

Making atmosphere noxious to health.

278. Making atmosphere noxious to health.--Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with fine which may extend to five hundred rupees.

279.

Rash driving or riding on a public way.

279. Rash driving or riding on a public way.--Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

162 280.

Rash navigation of vessel.

280. Rash navigation of vessel.--Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

281.

Exhibition of false light, mark or buoy.

281. Exhibition of false light, mark or buoy.--Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

282.

Conveying person by water for hire in unsafe or overloaded vessel.

282. Conveying person by water for hire in unsafe or overloaded vessel.--Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

283.

Danger or obstruction in public way or line of navigation.

283. Danger or obstruction in public way or line of navigation.- - Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished, with fine which may extend to two hundred rupees.

284.

Negligent conduct with respect to poisonous substance.

284. Negligent conduct with respect to poisonous substance.- -

Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person,

or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against probable danger to human life from such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

285. Negligent conduct with respect to fire or combustible matter.

285. Negligent conduct with respect to fire or combustible matter.--Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

286.

Negligent conduct with respect to explosive substance.

286. Negligent conduct with respect to explosive substance.- - Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance,

163 shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

287.

Negligent conduct with respect to machinery.- -

287. Negligent conduct with respect to machinery.--Whoever does, with any machinery, any act so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person,

or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

288.

Negligent conduct with respect to pulling down or repairing buildings.

288. Negligent conduct with respect to pulling down or repairing buildings.--Whoever, in pulling down or repairing any building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

289.

Negligent conduct with respect to animal.

289. Negligent conduct with respect to animal.--Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to

human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one

thousand rupees, or with both.

290.

Punishment for public nuisance in cases not otherwise provided for.

290. Punishment for public nuisance in cases not otherwise provided for.-Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred rupees.

291.

Continuance of nuisance after injunction to discontinue.

291. Continuance of nuisance after injunction to discontinue.- - Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

292.

Sale, etc., of obscene books, etc.

1*[292. Sale, etc., of obscene books, etc.--2*[(1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.]

3*[(2)] Whoever -

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, reduces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or

(b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or

164 publicly exhibited or in any manner put into circulation, or
(c) takes part in or receives profits from any business in
the course of which he knows or has reason to believe that any
such obscene objects are, for any of the purposes aforesaid,
made, produced, purchased, kept, imported, exported, conveyed, publicly
exhibited or in any manner put into circulation, or
(d) advertises or makes known by any means whatsoever that
any person is engaged or is ready to engage in any act which is an offence
under this section, or that any such obscene object can be procured from
or through any person, or
1. Subs. by Act 8 of 1925, s. 2, for the original s. 292.
2. Ins. by Act 36 of 1969, s. 2
3. S. 292 renumbered as sub-section (2) thereof by s. 2, ibid.
(e) offers or attempts to do any act which is an offence
under this section,
shall be punished 1 [on first conviction with imprisonment of either
description for a term which may extend to two years, and with fine
which may extend to two thousand rupees, and, in the event of a second
or subsequent conviction, with imprisonment of either description for
a term which may extend to five years, and also with fine which may
extend to five thousand rupees].
2*[Exception-This section does not extend to -
(a) any book, pamphlet, paper, writing, drawing, painting,

representation or figure -

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern, or

(ii) which is kept or used bona fide for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented on or in -

(i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), or

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.]]

165 293.

Sale, etc., of obscene objects to young person.

3*[293. Sale, etc., of obscene objects to young person.- -

Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished 1[on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees].]

294.

Obscene acts and songs.

4*[294. Obscene acts and songs.--Whoever, to the annoyance of others,

(a) does any obscene act in any public place, or

(b) sings, recites or utters any obscene song, ballad or

words, in or near any public place,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.]

1. Subs. by Act 36 of 1969, s. 2, for certain words.

2. Subs. by s. 2, *ibid.*, for Exception.

3. Subs. by Act 8 of 1925, s. 2, for the original s. 293.

4. Subs. by Act 3 of 1895, s. 3, for the original s. 294.

294A.

Keeping lottery office.

1*[294A. Keeping lottery office.--Whoever keeps any office or place for the purpose of drawing any lottery 2*[not being 3*[a State lottery] or a lottery authorised by the 4*[State]

Government], shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both. And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery shall be punished with fine which may extend to one thousand rupees.]CHAPTER XV

OF OFFENCES RELATING TO RELIGIONCHAPTER XV
OF OFFENCES RELATING TO RELIGION

295.

Injuring or defiling place of worship, with intent to insult the religion of any class.

295. Injuring or defiling place of worship, with intent to insult the religion of any class.--Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

295A.

Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.

5*[295A. Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.--Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of 6*[citizens of India], 7*[by words, either spoken or written, or by signs or by visible representations or otherwise] insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to 8*[three years], or with fine, or with both.]

Disturbing religious assembly.

296. Disturbing religious assembly.--Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

297.

Trespassing on burial places, etc.

297. Trespassing on burial places, etc.--Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby,

commits any trespass in any place of worship or on any place of sepulture, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies,

1. S. 294A ins. by Act 27 of 1870, s. 10.

2. Subs. by the A. O. 1937, for "not authorised by Government".

3. Subs. by Act 3 of 1951, s. 3 and Sch., for "a lottery organised by the Central Government or the Government of a Part A State or a Part B State" which had been subs. by the A.O. 1950, for "a State lottery".

4. Subs. by the A.O. 1950, for "Provincial".

5. Ins. by Act 25 of 1927, s. 2.

6. Subs. by the A.O. 1950, for "His Majesty's subjects".

7. Subs. by Act 41 of 1961, s.3, for certain words.

8. Subs. by s.3, *ibid.*, for "two years".

shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. 166

298.

Uttering words, etc., with deliberate intent to wound religious feelings.

298. Uttering words, etc., with deliberate intent to wound

religious feelings.--Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.CHAPTER XVI

OF OFFENCES AFFECTING THE HUMAN BODYCHAPTER XVI

OF OFFENCES AFFECTING THE HUMAN BODY

Of offences affecting life

299.

Culpable homicide.

299. Culpable homicide.--Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Illustrations

(a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

(b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

(c) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here,

167 although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B or to cause death by doing an act that he knew was likely to cause death.

Explanation 1.-A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2.-Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3.-The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

300.

Murder.

300. Murder.--Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or-

2ndly.-If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused. or-

3rdly.-If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or-

4thly.-If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Illustrations

(a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(b) A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound

168 state of health. But if A, not knowing that Z is labouring under any

disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

(c) A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death.

(d) A without any excuse fires a loaded cannon into a crowd of persons and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual. Exception 1.-When culpable homicide is not murder.-Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisos: -

First.-That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

Secondly.-That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly.-That the provocation is not given by anything done in the lawful exercise of the right of private defence.

Explanation.-Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.

Illustrations

(a) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(b) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.

(c) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in the exercise of his powers.

(d) A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z.

This is murder.

(e) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, inasmuch as the provocation was giving by a thing done in the exercise of the right of private defence.

(f) Z strikes B. B is by this provocation excited to violent rage. A, a bystander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2.-Culpable homicide is not murder if the offender in the exercise in good faith of the right of private defence or person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Illustration

Z attempts to horsewhip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other means prevent himself from being horsewhipped, shoots Z dead. A has not committed murder, but only culpable homicide.

Exception 3.-Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

Exception 4.-Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.

Explanation.-It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5.-Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

Illustration 169

A, by instigation, voluntarily causes Z, a person under eighteen years of age, to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

301.

Culpable homicide by causing death of person other than person whose death was intended.

301. Culpable homicide by causing death of person other than person whose death was intended.--If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person, whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

302.

Punishment for murder.

302. Punishment for murder.--Whoever commits murder shall be punished with death, or 1*[imprisonment for life], and shall also be liable to fine.

303.

Punishment for murder by life-convict.

303. Punishment for murder by life-convict.--Whoever, being under sentence of 1*[imprisonment for life], commits murder, shall be punished with death.

304.

Punishment for culpable homicide not amounting to murder.

304. Punishment for culpable homicide not amounting to murder.- - Whoever commits culpable homicide not amounting to murder shall be punished with 1*[imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death. or of causing such bodily injury

-----as
is likely to cause death;

or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

304A.

Causing death by negligence.

2*[304A. Causing death by negligence.--Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.]

304B. Dowry death.

3*[304B. Dowry death.--(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Explanation.--For the purposes of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.]

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

2. S. 304A was ins. by Act 27 of 1870, s. 12.

3. Ins. by Act 43 of 1986, s. 10 (w.e.f. 19-11-1986).

305. 170

Abetment of suicide of child or insane person.
305. Abetment of suicide of child or insane person.--If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication commits suicide, whoever abets the commission of such suicide, shall be punished with death or 1*[imprisonment for life], or imprisonment for a term not exceeding ten years, and shall also be liable to fine.
306.

Abetment of suicide.

306. Abetment of suicide.--If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

307.

Attempt to murder.

307. Attempt to murder.--Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if hurt is caused to any person by such act, the offender shall be liable either to 1*[imprisonment for life], or to such punishment as is hereinbefore mentioned.

Attempts by life-convicts.

Attempts by life-convicts.-2*[When any person offending under this section is under sentence of 1*[imprisonment for life], he may, if hurt is caused, be punished with death.]

Illustrations

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued A would be guilty of murder. A is liable to punishment under this section

(b) A, with the intention of causing the death of a child of tender years, exposes it in a desert place A has committed the offence defined by this section, though the death of the child does not ensue.

171 (c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and, if by such firing he wounds Z, he is liable to the punishment provided by the latter part of 3*[the first paragraph of] this section.

(d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence in this section. A places the food on Z's table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this section.

308.

Attempt to commit culpable homicide.

308. Attempt to commit culpable homicide.--Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

2. Ins. by Act 27 of 1870, s.11.

3. Ins. by Act 12 of 1891, s.2 and Sch. II.

Illustration

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he there by caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.

309.

Attempt to commit suicide.

309. Attempt to commit suicide.--Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year 1*[or with fine, or with both.]

310.

Thug.

310. Thug.--Whoever, at any time after the passing of this Act, shall have been habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with murder, is a thug.

311.

Punishment.

311. Punishment.--Whoever is a thug, shall be punished with 2[imprisonment for life], and shall also be liable to fine. Of the causing of miscarriage, of injuries to unborn children, of the exposure of infants, and of the concealment of births.

312.

Causing miscarriage.

312. Causing miscarriage.--Whoever voluntarily causes a woman with child to miscarry, shall if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation.-A woman who causes herself to miscarry, is within the meaning of this section.

313.

Causing miscarriage without woman's consent.

313. Causing miscarriage without woman's consent.--Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with 2*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

-----314.
Death caused by act done with intent to cause miscarriage.
314. Death caused by act done with intent to cause miscarriage.- -
Whoever, with intent to cause the miscarriage of a woman with child,
does any act which causes the death of such woman, shall be punished with
imprisonment of either description for a term which may extend to
ten years, and shall also be liable to fine;
if act done without woman's consent.
if act done without woman's consent.--and if the act is done
without the consent of the woman, shall be punished either with
2*[imprisonment for life], or with the punishment above mentioned.
Explanation.-It is not essential to this offence that the
offender should know that the act is likely to cause death.
315.
Act done with intent to prevent child being born alive or to cause it
to die after birth.
315. Act done with intent to prevent child being born alive or to
cause it to die after birth.--Whoever before the birth of any child does
any act with the intention of thereby preventing that child from being
born alive or causing it to die after its birth, and does by
such

1. Subs. by Act 8 of 1882, s. 7, for "and shall also be liable to fine".
2. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

316. 172

Causing death of quick unborn child by act amounting to culpable homicide.

316. Causing death of quick unborn child by act amounting to culpable homicide.--Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
Illustration

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this section.
317.

Exposure and abandonment of child under twelve years, by parent or person having care of it.

317. Exposure and abandonment of child under twelve years, by parent or person having care of it.--Whoever being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation.--This section is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be, if the child die in consequence of the exposure.

318.

Concealment of birth by secret disposal of dead body.

318. Concealment of birth by secret disposal of dead body.- -
Whoever, by secretly burying or otherwise disposing of the dead body of a child whether such child die before or after or during its birth, intentionally conceals or endeavors to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Of hurt

173 319.

Hurt.

319. Hurt.--Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

320.

Grievous hurt.

320. Grievous hurt.--The following kinds of hurt only are designated as "grievous": -

First.-Emasculation.

Secondly.-Permanent privation of the sight of either eye.

Thirdly.-Permanent privation of the hearing of either ear.

Fourthly.-Privation of any member or joint.

Fifthly.-Destruction or permanent impairing of the powers of any member or joint.

Sixthly.-Permanent disfiguration of the head or face.

Seventhly.-Fracture or dislocation of a bone or tooth.

Eighthly.-Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.

321.

Voluntarily causing hurt.

321. Voluntarily causing hurt.--Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt".

322.

Voluntarily causing grievous hurt.

322. Voluntarily causing grievous hurt.--Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt".

Explanation.-A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

323. Punishment for voluntarily causing hurt.

323. Punishment for voluntarily causing hurt.--Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

324.

Voluntarily causing hurt by dangerous weapons or means.

324. Voluntarily causing hurt by dangerous weapons or means.- -

Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

325.

174 Punishment for voluntarily causing grievous hurt

325. Punishment for voluntarily causing grievous hurt.--Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

326.

Voluntarily causing grievous hurt by dangerous weapons or means.

326. Voluntarily causing grievous hurt by dangerous weapons or means.--Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a

weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with 1*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

1. Subs, by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

327.

Voluntarily causing hurt to extort property, or to constrain to an illegal to an act.

327. Voluntarily causing hurt to extort property, or to constrain to an illegal to an act.--Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

328.

Causing hurt by means of poison, etc., with intent to commit and

offence.

328. Causing hurt by means of poison, etc., with intent to commit and offence.--Whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or unwholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

329.

Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.

329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.--Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything that is illegal or which may facilitate the commission of an offence, shall be punished with 1*[imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

330.

Voluntarily causing hurt to extort confession or to compel restoration of property.

320. Voluntarily causing hurt to extort confession or to compel restoration of property.--Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable

security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Illustrations

(a) A, a police-officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.

175 (b) A, a police-officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.

(c) A, a revenue officer, tortures z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section.

(d) A, a zamindar, tortures a raiyat in order to compel him to pay his rent. A is guilty of an offence under this section.

331.

Voluntarily causing grievous hurt to extort confession, or to compel restoration of property.

331. Voluntarily causing grievous hurt to extort confession, or to compel restoration of property.--Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

332.

Voluntarily causing hurt to deter public servant from his duty.

332. Voluntarily causing hurt to deter public servant from his duty.--Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

333.

Voluntarily causing grievous hurt to deter public servant from his duty.

333. Voluntarily causing grievous hurt to deter public servant from his duty.--Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

334.

Voluntarily causing hurt on provocation.

334. Voluntarily causing hurt on provocation.--Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

335.

Voluntarily causing grievous hurt on provocation.

335. Voluntarily causing grievous hurt on provocation.--Whoever 1*[voluntarily] causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation shall be punished with imprisonment of either description for a term which may extend to four years, or with fine which may extend to two thousand rupees, or with both.

Explanation.-The last two sections are subject to the same provisos as Exception 1, section 300.

336.

Act endangering life or personal safety of others.

-----176

336. Act endangering life or personal safety of others.--Whoever does any act so rashly or negligently as to endanger human life or the personal safety others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees, or with both.

337.

Causing hurt by act endangering life or personal safety of others.

337. Causing hurt by act endangering life or personal safety of others.--Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

1. Ins. by Act 8 of 1882, s. 8,

338.

Causing grievous hurt by act endangering life or personal safety of others.

338. Causing grievous hurt by act endangering life or personal safety of others.--Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Of wrongful restraint and wrongful confinement

339.

Wrongful restraint.

339. Wrongful restraint.--Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception.--The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right

to obstruct, is not an offence within the meaning of this section.
Illustration

A obstructs a path along which Z has a right to pass. A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

340.

Wrongful confinement.

340. Wrongful confinement.--Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustrations

(a) A causes Z to go within a walled space, and locks Z. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines z.

(b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts leave the building. A wrongfully confines Z.

341.

Punishment for wrongful restraint.

341. Punishment for wrongful restraint.--Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

342.

Punishment for wrongful confinement.

342. Punishment for wrongful confinement.--Whoever wrongfully confines any person shall be punished with simple imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

343.

177 Wrongful confinement for three or more days.

343. Wrongful confinement for three or more days.--Whoever wrongfully confines any person for three days or more, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

344.

Wrongful confinement for ten or more days.

344. Wrongful confinement for ten or more days.--Whoever wrongfully confines any person for ten days, or more, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

345.

Wrongful confinement of person for whose liberation writ has been issued.

345. Wrongful confinement of person for whose liberation writ has been issued.--Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any term of imprisonment to which he may be liable under any other section of this Chapter.

346.

Wrongful confinement in secret.

346. Wrongful confinement in secret.--Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any other punishment to which he may be liable for such wrongful confinement.

347.

Wrongful confinement to extort property, or constrain to illegal act.

347. Wrongful confinement to extort property, or constrain to
illegal act.--Whoever wrongfully confines any person for the purpose

of extorting from the person confined, or from any person interested in the person confined, any property or valuable security or of constraining the person confined or any person interested in such person to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

348.

Wrongful confinement to extort confession, or compel restoration of property.

348. Wrongful confinement to extort confession, or compel restoration of property.--Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Of criminal force and assault

349.

Force.

349. Force.--A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling: Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:

178 First.-By his own bodily power.
Secondly.-By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person.
Thirdly.-By inducing any animal to move, to change its motion, or to cease to move.

350.

Criminal force.

350. Criminal force.--Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced

without any other action on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.

(b) Z is riding in a chariot. A lashes Z's horses and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has used criminal force to Z.

(c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence. A has used criminal force to Z.

(d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.

179 (e) A throws a stone, intending or knowing it to be likely that

the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water, and dash up the water against Z's clothes or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z, or Z's clothes, A has used force to Z, and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.

(f) A intentionally pulls up a Woman's veil. Here A intentionally uses force to her, and if he does so without her consent intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.

(g) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling, A has therefore intentionally used force to Z; and if he has done this without Z's consent intending or knowing it to be likely that he may thereby cause injury, fear or annoyance to Z, A has used criminal force.

(h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear or annoyance to Z, he uses criminal force to Z.

351.

Assault.

351. Assault.--Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Explanation.-Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault. Illustrations

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault

upon Z.

(c) A takes up a stick, saying to Z, "I will give you a beating". Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

352.

Punishment for assault or criminal force otherwise than on grave provocation.

352. Punishment for assault or criminal force otherwise than on grave provocation.--Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Explanation.--Grave and sudden provocation will not mitigate the punishment for an offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence, or

if the provocation is given by anything done in obedience to the law, or by a public servant, in the lawful exercise of the powers of such public servant, or

if the provocation is given by anything done in the lawful exercise of the right of private defence.

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

353.

Assault or criminal force to deter public servant from discharge of his duty.

353. Assault or criminal force to deter public servant from discharge of his duty.--Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person to the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

180

354.

Assault or criminal force to woman with intent to outrage her modesty.

354. Assault or criminal force to woman with intent to outrage her modesty.--Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

355.

Assault or criminal force with intent to dishonour person, otherwise than on grave provocation.

355. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation.--Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

356.

Assault or criminal force in attempt to commit theft of property carried by a person.

356. Assault or criminal force in attempt to commit theft of

property carried by a person.--Whoever assaults or uses criminal force to any person, in attempting to commit theft on any property which that person is then wearing or carrying shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

357.

Assault or criminal force in attempt wrongfully to confine a person.

357. Assault or criminal force in attempt wrongfully to confine a person.--Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one

year, or with fine which may extend to one thousand rupees, or with both.

358.

Assault or criminal force on grave provocation.

358. Assault or criminal force on grave provocation.--Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Explanation.--The last section is subject to the same explanation as section 352.

Of kidnapping, abduction, slavery and forced labour

359.

Kidnapping.

359. Kidnapping.--Kidnapping is of two kinds : kidnapping from 1*[India], and kidnapping from lawful guardianship. 360.

Kidnapping from India.

360. Kidnapping from India.--Whoever conveys any person beyond the limits of 1*[India] without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from 1*[India].

361.

Kidnapping from lawful guardianship.

361. Kidnapping from lawful guardianship.--Whoever takes or entices any minor under 2*[sixteen] years of age if a male, or under 3*[eighteen] years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

363A.

Kidnapping or maiming a minor for purposes of begging.

2*[363A. Kidnapping or maiming a minor for purposes of begging.--(1) Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever maims any minor in order that such minor may be

182 employed or used for the purposes of begging shall be punishable with imprisonment for life, and shall also be liable to fine.

(3) Where any person, not being the lawful guardian of a minor, employs or uses such minor for the purposes of begging, it shall be presumed, unless the contrary is proved, that he kidnapped or otherwise obtained the custody of that minor in order that the minor might be employed or used for the purposes of begging.

(4) In this section, -

(a) "begging" means -

(i) soliciting or receiving alms in a public place, whether under the pretence of singing, dancing, fortunetelling, performing tricks or selling articles or otherwise;

(ii) entering on any private premises for the purpose of soliciting or receiving alms;

(iii) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(iv) using a minor as an exhibit for the purpose of soliciting or receiving alms;

(b) "minor" means -

(i) in the case of a male, a person under sixteen years of age; and

(ii) in the case of a female, a person under eighteen years of age.]

1. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

2. Ins. by Act 52 of 1959, s. 2 (w.e.f. 15-1-1960).

364.

Kidnapping or abducting in order to murder.

364. Kidnapping or abducting in order to murder.--Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with 1*[imprisonment for life] or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

III Illustrations

(a) A kidnaps Z from 2*[India], intending or knowing it to be likely that Z may be sacrificed to an idol. A has committed the offence defined in this section.

(b) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this section.

364A.

Kidnapping for ransom, etc.

3*364A. Kidnapping for ransom, etc.-Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction, and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or any foreign State or international

inter-governmental organisation or any other person to do or abstain from doing any act or to pay a ransom, shall be punishable with death or imprisonment for life, and shall also be liable to fine.

365.

Kidnapping or abducting with intent secretly and wrongfully to confine person.

365. Kidnapping or abducting with intent secretly and wrongfully to confine person.--Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

366.

Kidnapping, abducting or inducing woman to compel her marriage, etc.

366. Kidnapping, abducting or inducing woman to compel her marriage, etc.--Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

3*[and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid].

4*[366A.

Procurement of minor girl.

6*[366A. Procurement of minor girl.--Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

366B.

Importation of girl from foreign country.

366B. Importation of girl from foreign country.--Whoever imports into 2*[India] from any country outside India 7*[or from the State of Jammu and Kashmir] any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person,

5* * * * *

shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.]

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

2. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

3. Ins. by Act 42 of 1997 s. 2.

4. Subs. by Act 24 of 1995, s. 2.

5. Ins. by Act 20 of 1923, s. 2.

6. Ins. by s.3, ibid.

7. Ins. by Act 3 of 1951, s.3 and Sch.,

8. Certain words omitted by s.3 and Sch., ibid.

367. 183

Kidnapping or abducting in order to subject person to grievous hurt,
slavery, etc.

367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.--Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

368.

Wrongfully concealing or keeping in confinement, kidnapped or abducted person.

368. Wrongfully concealing or keeping in confinement, kidnapped or abducted person.--Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.

369.

Kidnapping or abducting child under ten years with intent to steal from its person.

369. Kidnapping or abducting child under ten years with intent to steal from its person.--Whoever kidnaps or abducts any child under the age of ten years with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

370.

Buying or disposing of any person as a slave.

370. Buying or disposing of any person as a slave.--Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

371.

Habitual dealing in slaves.

371. Habitual dealing in slaves.--Whoever habitually imports, exports, removes, buys, sells traffics or deals in slaves, shall be punished with 1*[imprisonment for life], or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

372.

Selling minor for purposes of prostitution, etc.

372. Selling minor for purposes of prostitution, etc.--Whoever sells, lets to hire, or otherwise disposes of any 2*[person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be] employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

3*[Explanation I.-When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so

disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

Explanation II.-For the purposes of this section "illicit intercourse" means sexual intercourse between persons not united by marriage, or by any union or tie which though not amounting to a marriage, is recognised by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.]

373.

Buying minor for purposes of prostitution, etc.

373. Buying minor for purposes of prostitution, etc.--Whoever buys, hires or otherwise obtains possession of any 2*[person under the age of eighteen years with intent that such person shall at

184 1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

9. Subs. by Act 18 of 1924, s. 2, for "minor under the age of eighteen years with intent that such minor shall be employed or used for the purpose of prostitution or for any unlawful and immoral purpose, or knowing it to be likely that such minor will be".

10. Ins. by s.3, ibid, any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be] employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

1*[Explanation I.-Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution. Explanation II.-"Illicit intercourse" has the same meaning as in section 372.]

374.

Unlawful compulsory labour.

374. Unlawful compulsory labour.--Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

2*[Sexual offences

375.

Rape.

375. Rape.--A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions: - First.-Against her will.

Secondly.-Without her consent.

Thirdly.-With her consent, when her consent has been obtained by putting her or any person in whom she is interested

185 in fear of death or of hurt.

Fourthly.-With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly.-With her consent, when, at the time of giving such

consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly.-With or without her consent, when she is under sixteen years of age.

Explanation.-Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception.-Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.

376.

Punishment for rape.

376. Punishment for rape.--(1) Whoever, except in the cases provided for by sub-section (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, in which case, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both:

1. Ins. by Act 18 of 1924, s. 4.

2. Subs. by Act 43 of 1983, s.3 for the heading "Of rape" and ss. 375 and 376.

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.

(2) Whoever, -

(a) being a police officer commits rape -

(i) within the limits of the police station to which he is appointed; or

(ii) in the premises of any station house whether or

not situated in the police station to which he is appointed; or
(iii) on a woman in his custody or in the custody of a police officer subordinate to him; or
(b) being a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him; or
(c) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution; or
(d) being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital; or
(e) commits rape on a woman knowing her to be pregnant; or
(f) commits rape on a woman when she is under twelve years of age; or
(g) commits gang rape,
shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than ten years.

Explanation 1.-Where a women's is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang rape within the meaning of this sub-section.

Explanation 2.-"women's or children's institution" means an institution, whether called and orphanage or a home for neglected

women or children or a widows' home or by any other name, which is established and maintained for the reception and care of women or children.

Explanation 3.-"hospital" means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation.

376A.

186 Intercourse by a man with his wife during separation.

376A. Intercourse by a man with his wife during separation.- -
Whoever has sexual intercourse with his own wife, who is living separately from him under a decree of separation or under any custom or usage without her consent shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

376B.

Intercourse by public servant with woman in his custody.

376B. Intercourse by public servant with woman in his custody.- -
Whoever, being a public servant, takes advantage of his official position and induces or seduces, any woman, who is in his custody as such public servant or in the custody of a public servant subordinate to him, to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

376C.

Intercourse by superintendent of jail, remand home, etc.

376C. Intercourse by superintendent of jail, remand home, etc.- -
Whoever, being the superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution takes advantage of his official position and induces or seduces any female inmate of such jail, remand home, place or institution to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Explanation 1.-"Superintendent" in relation to a jail, remand home or other place of custody or a women's or children's institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which he can exercise any authority or control over its inmates.

Explanation 2.-The expression "women's or children's institution" shall have the same meaning as in Explanation 2 to sub-section (2) of section 376.

376D.

Intercourse by any member of the management or staff of a hospital with any woman in that hospital.

376D. Intercourse by any member of the management or staff of a hospital with any woman in that hospital.--Whoever, being on the management of a hospital or being on the staff of a hospital takes advantage of his position and has sexual intercourse with any woman in that hospital, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Explanation.-The expression "hospital" shall have the same meaning as in Explanation 3 to sub-section (2) of section 376.]

Of unnatural offences

377.

Unnatural offences.

377. Unnatural offences.--Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 1*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.-Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.CHAPTER XVII

OF OFFENCES AGAINST PROPERTYCHAPTER XVII

OF OFFENCES AGAINST PROPERTY

Of theft

378.

Theft.

378. Theft.--Whoever, intending to take dishonestly any movable

187 property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Explanation 1.-A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

1. Subs, by Act 26 of 1955, s. 117 and Sch., for "transportation for life ".

Explanation 2.-A moving effected by the same act which effects the severance may be a theft.

Explanation 3.-A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it.

Explanation 4.-A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.-The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(d) A being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.

(e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not

therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

188 (f) A finds a ring belonging to Z on a table in the house which Z

occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(g) A finds a ring lying on the high-road, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(i) A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(k) Again, if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property inasmuch as he takes it dishonestly.

(l) A takes an article belonging to Z out of Z's possession without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefor committed theft.

(m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(n) A asks charity from Z's wife. She gives A money, food and clothes, which A knows to belong to Z her husband. Here it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.

(o) A is the paramour of Z's wife. She gives a valuable property, which A knows to belong to her husband Z, and to be such property as

she has not authority from Z to give. If A takes the property

dishonestly, he commits theft.

(p) A, in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not commit theft.

379.

Punishment for theft.

379. Punishment for theft.--Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

380.

Theft in dwelling house, etc.

380. Theft in dwelling house, etc.--Whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a

human dwelling, or used for the custody of property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

381.

Theft by clerk or servant of property in possession of master.

381. Theft by clerk or servant of property in possession of master.--Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

382.

Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.

382. Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.--Whoever commits theft, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, to any

189 person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Illustrations

(a) A commits theft on property in Z's possession; and, while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting Z in case Z should resist. A has committed the offence defined in this section.

(b) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this section.

Of extortion

383.

Extortion.

383. Extortion.--Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property, or valuable security or anything signed or sealed which may be converted into a valuable security, commits "extortion".

Illustrations

(a) A threatens to publish a defamatory libel concerning Z unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(c) A threatens to send club-men to plough up Z's field unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

(d) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security A has committed extortion.

384.

Punishment for extortion.

384. Punishment for extortion.--Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

385.

Putting person in fear of injury in order to commit extortion.

385. Putting person in fear of injury in order to commit

extortion.--Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear, of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

386.

Extortion by putting a person in fear of death or grievous hurt.

386. Extortion by putting a person in fear of death or grievous hurt.--Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

387.

Putting person in fear of death or of grievous hurt, in order to commit extortion.

387. Putting person in fear of death or of grievous hurt, in order to commit extortion.--Whoever in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

388.

Extortion by threat of accusation of an offence punishable with death or imprisonment for life, etc.

190 388. Extortion by threat of accusation of an offence punishable with death or imprisonment for life, etc.--Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with 1*[imprisonment for life], or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall 1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if the offence be one punishable under section 377 of this Code, may be punished with 1*[imprisonment for life].

389. Putting person in fear or accusation of offence, in order to commit extortion.

389. Putting person in fear or accusation of offence, in order to commit extortion.--Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed, or attempted to commit, an offence punishable with death or with 1*[imprisonment for life], or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if the offence be punishable under section 377 of this Code, may be punished with 1*[imprisonment for life].

Of robbery and dacoity

390.

Robbery.

390. Robbery.--In all robbery there is either theft or extortion.

When theft is robbery.

When theft is robbery.--Theft is "robbery" if, in order to the committing of the theft, or in committing the theft, or in carrying

away or attempting to carry away property obtained by the theft, the offender, for that end, voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt, or of instant wrongful restraint.

When extortion is robbery.

When extortion is robbery.--Extortion is "robbery" if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person, so put in fear then and there to deliver up the thing extorted.

Explanation.--The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

Illustrations

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.

(b) A meets Z on the high road, shows a pistol, and demands Z's purse. Z, in consequence, surrenders his purse. Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(c) A meets Z and Z's child on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

(d) A obtains property from Z by saying-"Your child is in the hands of my gang, and will be put to death unless you send us ten thousand rupees". This is extortion, and punishable as such: but it is not robbery, unless Z is put in fear of the instant death of his child.

391.

Dacoity.

391. Dacoity.--When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more,

191 every person so committing, attempting or aiding, is said to commit "dacoity".

1. Subs, by Act 26 of 1955, s. 117 and Sch., for "transportation for life."

392.

Punishment for robbery.

392. Punishment for robbery.--Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and, if the robbery be committed on the highway between sunset and sunrise, the imprisonment

may be extended to fourteen years.

393.

Attempt to commit robbery.

393. Attempt to commit robbery.--Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

394.

Voluntarily causing hurt in committing robbery.

394. Voluntarily causing hurt in committing robbery.--If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with 1*[imprisonment for life], or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

395.

Punishment for dacoity.

395. Punishment for dacoity.--Whoever commits dacoity shall be punished with 1*[imprisonment for life], or with rigorous imprisonment for a term which may extend to ten years, and shall also

be liable to fine.

396.

Dacoity with murder.

396. Dacoity with murder.--If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or 1*[imprisonment for life], or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

397.

Robbery or dacoity, with attempt to cause death or grievous hurt.

397. Robbery or dacoity, with attempt to cause death or grievous hurt.--If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, so attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

398.

Attempt to commit robbery or dacoity when armed with deadly weapon.

398. Attempt to commit robbery or dacoity when armed with deadly weapon.--If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than seven years.

399.

Making preparation to commit dacoity.

399. Making preparation to commit dacoity.--Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

400.

Punishment for belonging to gang of dacoits.

400. Punishment for belonging to gang of dacoits.--Whoever, at any time after the passing of this Act, shall belong to a gang of persons associated for the purpose of habitually committing dacoity, shall be punished with 1*[imprisonment for life], or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

401.

Punishment for belonging to gang of thieves.

401. Punishment for belonging to gang of thieves.--Whoever, at any time after the passing of this Act, shall belong to any wandering or other gang of persons associated for the purpose of habitually

committing theft or robbery, and not being a gang of thugs or dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

402.

Assembling for purpose of committing dacoity.

402. Assembling for purpose of committing dacoity.--Whoever, at any time after the passing of this Act, shall be one of five or more persons assembled 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.

Of criminal misappropriation of property

403.

Dishonest misappropriation of property.

403. Dishonest misappropriation of property.--Whoever dishonestly misappropriates or converts to his own use any movable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life."

192

Illustrations

(a) A takes property belonging to Z out of Z's possession in good faith, believing, at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) A, being on friendly terms with Z, goes into Z's library in Z's absence and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But, if A afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(c) A and B being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here as A has a right to use the horse, he does not dishonestly misappropriate it. But, if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

Explanation 1.-A dishonest misappropriation for a time only is a misappropriation with the meaning of this section.

Illustration

A finds a Government promissory note belonging to Z, bearing a blank endorsement. A, knowing that the note belongs to Z, pledges it with a banker as a security or a loan, intending at a future time to restore it to Z. A has committed an offence under this section.

Explanation 2.-A person who finds property not in the possession of any other person, and such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner

of the property, or that any particular person is the owner of it: it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believe that the real owner cannot be found.

Illustrations

(a) A finds a rupee on the high-road, not knowing to whom the rupee belong, A picks up the rupee. Here A has not committed the offence defined in this section.

193 (b) A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.

(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A knows that this person can direct him to the person in whose favour the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

(d) A sees Z drop his purse with money in it. A pick up the purse with the intention of restoring it to Z, bu afterwards appropriates it to his own use. A has committed an offence under this section.

(e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this section.

404.

Dishonest misappropriation of property possessed by deceased person at the time of his death.

404. Dishonest misappropriation of property possessed by deceased person at the time of his death.-Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Illustration

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this section.

Of criminal breach of trust

405.

194 Criminal breach of trust.

405. Criminal breach of trust.--Whoever, being in any manner
entrusted with property, or with any dominion over property,
dishonestly misappropriates or converts to his own use that property,

or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust".

1*[2*[Explanation 1].-A person, being an employer 3*[of an establishment whether exempted under section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) or not] who deducts the employees' contribution from the wages payable to the employee for credit to a Provident Fund or Family Pension Fund established by any law for the time being in force, shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said law shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.]

4*[Explanation 2.-A person, being an employer, who deducts the employees contribution from the wages payable to the employee for credit to the Employees' State Insurance Fund held and administered by the Employees' State Insurance Corporation established under the Employees' State Insurance Act, 1948 (34 of 1948), shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the

1. Ins. by Act 40 of 1973, s. 9 (w.e.f. 1-11-1973).

2. Explanation renumbered as Explanation 1 by Act 38 of 1975, s. 9 (w.e.f. 1-9-1975).

3. Ins. by Act 33 of 1988, s. 27 (w.e.f. 1-8-1988).

4. Ins. by Act 38 of 1975, s. 9 (w.e.f. 1-9-1975).

said Fund in violation of the said Act, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.]

Illustrations

(a) A, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.

(b) A is a warehouse-keeper, Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse-room. A dishonestly sells the goods. A has committed criminal breach of trust.

(c) A, residing in Calcutta, is agent for Z, residing at Delhi. There is an express or implied contract between A and Z, that all sums remitted by Z to A shall be invested by A, according to Z's direction. Z remits a lakh of rupees to A, with directions to A to invest the same in Company's paper. A dishonestly disobeys the directions and employs the money in his own business. A has committed criminal breach of trust.

(d) But if A, in the last illustration, not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys Z's directions, and buys shares in the Bank of Bengal, for Z, instead of buying Company's paper, here, thought Z should suffer loss, and should be entitled to bring a civil action against A, on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.

(e) A, a revenue-officer, is entrusted with public money and is either directed by law, or bound by a contract, express or implied,

with the Government, to pay into a certain treasury all the public money which he holds. A dishonestly appropriates the money. A has committed criminal breach of trust.

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

406.

Punishment for criminal breach of trust.

406. Punishment for criminal breach of trust.--Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

407.

Criminal breach of trust by carrier, etc.

407. Criminal breach of trust by carrier, etc.--Whoever, being entrusted with property as a carrier, wharfinger or warehouse-keeper, commits criminal breach of trust, in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

408.

Criminal breach of trust by clerk or servant.

195 408. Criminal breach of trust by clerk or servant.--Whoever, being a clerk or servant or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

409.

Criminal breach of trust by public servant, or by banker, merchant or agent.

409. Criminal breach of trust by public servant, or by banker, merchant or agent.--Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with 1*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

OF THE RECEIVING OF STOLEN PROPERTY

410.

Stolen property.

410. Stolen property.--Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which 1***criminal breach of trust has been committed, is designated as "stolen property", 2*[whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without 3*[India]]. But, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

411.

Dishonestly receiving stolen property.

411. Dishonestly receiving stolen property.--Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with

imprisonment of either description for a term which may extend to three years, or with fine, or with both.

412.

Dishonestly receiving property stolen in the commission of a dacoity.

412. Dishonestly receiving property stolen in the commission of a dacoity.--Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or dishonestly receives from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with 4*[imprisonment for life], or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

413.

Habitually dealing in stolen property.

413. Habitually dealing in stolen property.--Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with 4*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

414.

Assisting in concealment of stolen property.

414. Assisting in concealment of stolen property.--Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Of cheating

415.

415. Cheating.--Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat". Explanation.-A dishonest concealment of facts is a deception within the meaning of this section.

(a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

1. The words "the" and "offence of" rep. by Act 12 of 1891, s. 2 and Sch. I and Act 8 of 1882, s. 9, respectively.
2. Ins. by Act 8 of 1882 s. 9.
3. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".
4. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

(b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.

(c) A, by exhibiting to Z a false sample of an article intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

(d) A, by tendering in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats

(e) A, by pledging as diamond articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money. A cheats.

(f) A Intentionally deceives Z into a belief that A means to repay any money that Z may lend to him and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.

(g) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not

intend to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money. A cheats.

(i) A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z, without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

416.

Cheating by personation.

416. Cheating by personation.--A person is said to "cheat by personation" if he cheats by pretending to be some other person, or by knowingly substituting one person for or another, or representing that he or any other person is a person other than he or such other person really is.

Explanation.--The offence is committed whether the individual personated is a real or imaginary person.

Illustrations

(a) A cheats, by pretending to be a certain rich banker of the same name. A cheats by personation.

(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

417.

Punishment for cheating.

417. Punishment for cheating.--Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

418. 197

Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.

418. Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.--Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates, he was bound either by law, or by legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

419.

Punishment for cheating by personation.

419. Punishment for cheating by personation.--Whoever cheats by

personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. 420.

Cheating and dishonestly inducing delivery of property.

420. Cheating and dishonestly inducing delivery of property.- -
Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Of fraudulent deeds and dispositions of property

421.

Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.

421. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.--Whoever dishonestly or fraudulently removes, conceals or delivers to any person, or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent the distribution of that property according to law among his creditors or the creditors of any

other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

422.

Dishonestly or fraudulently preventing debt being available for creditors.

422. Dishonestly or fraudulently preventing debt being available for creditors.--Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

423.

Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.

423. Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.--Whoever dishonestly or fraudulently signs, executes or becomes a party to any deed or instrument which purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

424.

Dishonest or fraudulent removal or concealment of property.

424. Dishonest or fraudulent removal or concealment of property. - Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any

demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
Of mischief

Mischief.

425. Mischief.--Whoever with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously, commits "mischief".

Explanation 1.-It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2.-Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations

(a) A voluntarily burns a valuable security belonging to Z intending to cause wrongful loss to Z. A has committed mischief.

(b) A introduces water in to an ice-house belonging to Z and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

(c) A voluntarily throws into a river a ring belonging to Z, with the intention of there by causing wrongful loss to Z. A has committed mischief.

(d) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. A has committed mischief.

(e) A having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. A has committed mischief.

(f) A causes a ship to be cast away, intending thereby to cause damage to Z who has lent money on bottomry on the ship. A has committed mischief.

(g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(h) A causes cattle to enter upon a field belonging to Z,

intending to cause and knowing that he is likely to cause damage to Z's crop. A has committed mischief.

426.

Punishment for mischief.

426. Punishment for mischief.--Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

427.

Mischief causing damage to the amount of fifty rupees.

427. Mischief causing damage to the amount of fifty rupees.- -

Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or

with fine, or with both.

428.

Mischief by killing or maiming animal of the value of ten rupees.

428. Mischief by killing or maiming animal of the value of ten rupees.--Whoever commits mischief by killing, poisoning, maiming or rendering useless any animals or animal of the value of the ten rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

429.

Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees.

429. Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees.--Whoever commits mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, of any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment or either description for a term which may extend to five years, or with fine, or with both.

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430.

Mischief by injury to works of irrigation or by wrongfully diverting water.

430. Mischief by injury to works of irrigation or by wrongfully diverting water.--Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

431.

Mischief by injury to public road, bridge, river or channel.

431. Mischief by injury to public road, bridge, river or channel.--Whoever commits mischief by doing any act which renders or which he knows to be likely to render any public road, bridge, navigable river or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

432.

Mischief by causing inundation or obstruction to public drainage attended with damage.

432. Mischief by causing inundation or obstruction to public drainage attended with damage.--Whoever commits mischief by doing any act which causes or which he knows to be likely to cause an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

433.

Mischief by destroying, moving or rendering less useful a light-house or sea-mark.

433. Mischief by destroying, moving or rendering less useful a

light-house or sea-mark.--Whoever commits mischief by destroying or moving any light-house or other light used as a sea-mark, or any sea-mark or buoy or other thing placed as a guide for navigators, or by any act which renders any such light-house, sea-mark, buoy or other such thing as aforesaid less useful as a guide for navigators, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

434.

Mischief by destroying or moving, etc., a land-mark fixed by public authority.

434. Mischief by destroying or moving, etc., a land-mark fixed by

public authority.--Whoever commits mischief by destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

435.

Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agricultural produce) ten rupees.

435. Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agricultural produce) ten rupees.--Whoever commits mischief by fire or any explosive substance intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the amount of one hundred rupees or upwards 1*[or (where the property is agricultural produce) ten rupees or upwards], shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

436.

Mischief by fire or explosive substance with intent to destroy house, etc.

436. Mischief by fire or explosive substance with intent to destroy house, etc.--Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with 2*[imprisonment for life], or with imprisonment of either description for a term which may

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extend to ten years, and shall also be liable to fine.

437.

Mischief with intent to destroy or make unsafe a decked vessel or one of twenty tons burden.

437. Mischief with intent to destroy or make unsafe a decked vessel or one of twenty tons burden.--Whoever commits mischief to any decked vessel or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe, that vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

1. Ins. by Act 8 of 1882, s. 10

2. Subs, by Act 26 of 1955, s. 117 and Sch, for "transportation for life".

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438.

Punishment for the mischief described in section 437 committed by fire or explosive substance.

438. Punishment for the mischief described in section 437 committed by fire or explosive substance.--Whoever commits, or attempts to commit, by fire or any explosive substance, such mischief as is described in the last preceding section. shall be punished with 1*[imprisonment for life]. or with imprisonment of either

description for a term which may extend to ten years, and shall also be liable to fine.

439.

Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.

439. Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.--Whoever intentionally runs any vessel aground or ashore, intending to commit theft of any property contained therein or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

440.

Mischief committed after preparation made for causing death or hurt.

440. Mischief committed after preparation made for causing death or hurt.-- Whoever commits mischief, having made preparation for causing to any person death, or hurt, or wrongful restraint, or fear of death, or hurt, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Of criminal trespass

441.

Criminal trespass.

441. Criminal trespass.--Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit "criminal trespass".

442.

House-trespass.

442. House-trespass.--Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit "house-trespass".

Explanation.--The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

443.

Lurking house-trespass.

443. Lurking house-trespass.--Whoever commits house-trespass

201 having taken precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent or vessel which is the subject of the trespass, is said to commit "lurking house-trespass".

444.

Lurking house-trespass by night.

444. Lurking house-trespass by night.--Whoever commits lurking house-trespass after sunset and before sunrise, is said to commit "lurking house-trespass by night".

445.

House-breaking.

445. House-breaking.--A person is said to commit "house-breaking" who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of it in such six ways, that is to say : -
First.-If he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to the committing of the house-trespass.

1. Subs. by act. 26 of 1955, s. 117 and Sch., for "transportation

for life".

Secondly.-If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building.

Thirdly.-If he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to the committing of the house-trespass by any means by which that passage was not intended by the occupier of the house to be opened.

Fourthly.-If he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass.

Fifthly.-If he effects his entrance or departure by using criminal force or committing an assault, or by threatening any person with assault.

Sixthly.-If he enters or quits by any passage which he knows to have been fastened against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass.

Explanation.-Any out-house or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section.

Illustrations

(a) A commits house-trespass by making a hole through the wall of Z's house, and putting his hand through the aperture. This is house-breaking.

(b) A commits house-trespass by creeping into a ship at a port-hole between decks. This is house-breaking.

(c) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, having opened a door which was fastened. This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door. This is house-breaking.

(f) A finds the key of Z's house door, which Z had lost, and commits house trespass by entering Z's house, having opened the door with that key. This is house-breaking.

(g) Z is standing in his doorway. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.

(h) Z, the door-keeper of Y, is standing in Y's doorway. A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to beat him. This is house-breaking.

446.

House-breaking by night.

446. House-breaking by night.--Whoever commits house-breaking after sunset and before sunrise, is said to commit "house-breaking by night".

447.

Punishment for criminal trespass.

202 447. Punishment for criminal trespass.--Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

448.

Punishment for house-trespass.

448. Punishment for house-trespass.--Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

449.

House-trespass in order to commit offence punishable with death.

449. House-trespass in order to commit offence punishable with death.--Whoever commits house-trespass in order to the committing of any offence punishable with death, shall be punished with 1*[imprisonment for life], or with rigorous imprisonment for a term not exceeding ten years, and shall also be liable to fine.

450.

House-trespass in order to commit offence punishable with imprisonment for life.

450. House-trespass in order to commit offence punishable with imprisonment for life.--Whoever commits house-trespass in order to the committing of any offence punishable with 1*[imprisonment for life], shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

451.

House-trespass in order to commit offence punishable with imprisonment.

451. House-trespass in order to commit offence punishable with

imprisonment.--Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

452.

House-trespass after preparation for hurt, assault or wrongful restraint.

452. House-trespass after preparation for hurt, assault or wrongful restraint.--Whoever commits house-trespass, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

453.

Punishment for lurking house-trespass or house-breaking.

453. Punishment for lurking house-trespass or house-breaking.- - Whoever commits lurking house-trespass or house-breaking, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

454.

Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.

454. Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.--Whoever commits lurking house-trespass or house-breaking, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to ten years.

455.

Lurking house-trespass or house-breaking after preparation for hurt,

assault or wrongful restraint.

455. Lurking house-trespass or house-breaking after preparation

for hurt, assault or wrongful restraint.--Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description or a term which may extend to ten years, and shall also be liable to fine.

456.

Punishment for lurking house-trespass or house-breaking by night.

456. Punishment for lurking house-trespass or house-breaking by night.--Whoever commits lurking house-trespass by night, or house - breaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

457.

Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.

457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.--Whoever commits lurking house-trespass by night, or house-breaking by night in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years.

458.

Lurking house-trespass or house-breaking by night after preparation for hurt, assault, or wrongful restraint.

458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault, or wrongful restraint.--Whoever commits lurking house-trespass by night, or house-breaking by night, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which

203 may extend to fourteen years, and shall also be liable to fine.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

459.

Grievous hurt caused whilst committing lurking house-trespass or house-breaking.

459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.--Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person or attempts to cause death or grievous hurt to any person, shall be punished with 1*[imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

460.

All persons jointly concerned in lurking house-trespass or house - breaking by night punishable where death or grievous hurt caused by one of them.

460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.--If at the time of the committing of lurking house-trespass by night or house-breaking by night, any person guilty of such offence shall voluntarily cause or attempt to cause death or

grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass by night or house-breaking by night, shall be punished with 1*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

461.

Dishonestly breaking open receptacle containing property.

461. Dishonestly breaking open receptacle containing property.- -
Whoever dishonestly or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

462.

Punishment for same offence when committed by person entrusted with custody.

462. Punishment for same offence when committed by person entrusted with custody.--Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.CHAPTER XVIII
OF OFFENCES RELATING TO DOCUMENTS AND TO PROPERTY MARKSCHAPTER XVIII
OF OFFENCES RELATING TO DOCUMENTS AND TO 2****PROPERTY MARKS

463. Forgery.

463. Forgery.--Whoever makes any false document or part of a document with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

464.

Making a false document.

464. Making a false document.--A person is said to make a false document -

First.-Who dishonestly or fraudulently makes, signs, seals or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed or executed by or by the authority of a person by whom or by

204 whose authority he knows that it was not made, signed, sealed or
executed, or at a time at which he knows that it was not made, signed,
sealed or executed; or

Secondly.-Who, without lawful authority, dishonestly or
fraudulently, by cancellation or otherwise, alters a document in any
material part thereof, after it has been made or executed either by
himself or by any other person, whether such person be living or dead
at the time of such alteration; or

Thirdly.-Who dishonestly or fraudulently causes any person to
sign, seal, execute or alter a document, knowing that such person by
reason of unsoundness of mind or intoxication cannot, or that by
reason of deception practised upon him, he does not know the contents

of the document or the nature of the alteration.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

2. The words "Trade or" omitted by Act 43 of 1958, s. 135 and Sch. (w.e.f. 25-11-1959).

Illustrations

(a) A has a letter of credit upon B for rupees 10,000, written by Z. A, in order to defraud B, adds cipher to the 10,000, and makes the sum 1,00,000 intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(b) A without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of selling the estate to B and thereby of obtaining from B the purchase-money. A has committed forgery.

(c) A picks up a cheque on a banker signed by B, payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand rupees. A commits forgery.

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable and authorizes B to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand rupees. B commits forgery.

(e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a genuine bill with a banker and intending to take up the bill on its maturity. Here, as A draws the bill with intent to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.

(f) Z's will contains these words-"I direct that all my remaining property be equally divided between A, B and C." A dishonestly scratches out B's name, intending that it may be believed that the

205 whole was left to himself and C. A has committed forgery.

(g) A endorses a Government promissory note and makes it payable to Z for his order by writing on the bill the words "Pay to Z or his order" and signing the endorsement. B dishonestly erases the words "Pay to Z or his order", and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.

(k) A without B's authority writes a letter and signs it in B's

name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery inasmuch as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an express or implied contract for service.

Explanation I.-A man's signature of his own name may amount to forgery.

Illustrations

(a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed forgery.

(b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and negotiate the bills as though it had been accepted by Z. A is guilty of forgery; and if B, knowing the fact, draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(c) A picks up a bill of exchange payable to the order of a different person of the same name. A endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable; here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B. B, after the seizure of the estate, in collusion with Z,

executes a lease of the estate to Z at a nominal rent and for a long period and dates the lease six months prior to the seizure, with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.

(e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his creditors; and in order to give a colour to the transaction, writes a promissory note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2.-The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

Illustration

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

465.

Punishment for forgery.

465. Punishment for forgery.--Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

466.

Forgery of record of Court or of public register, etc.

466. Forgery of record of Court or of public register, etc.- -

Whoever forges a document, purporting to be a record or proceeding of or in a Court of Justice, or a register of birth, baptism, marriage or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in

his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

467.

Forgery of valuable security, will, etc.

467. Forgery of valuable security, will, etc.--Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with 1 *[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

468.

Forgery for purpose of cheating.

468. Forgery for purpose of cheating.--Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

469.

Forgery for purpose of harming reputation.

469. Forgery for purpose of harming reputation.--Whoever commits forgery, intending that the document forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

470.

Forged document.

470. Forged document.--A false document made wholly or in part by forgery is designated "a forged document".

471.

Using as genuine a forged document.

471. Using as genuine a forged document.--Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

472.

Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 467.

472. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 467.--Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 467 of this Code, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punishable with 1*[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

473.

Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise.

473. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise.--Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than section 467, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

474.

Having possession of document described in section 466 or 467, knowing it to be forged and intending to use it genuine.

-----474. Having possession of document described in section 466 or 467, knowing it to be forged and intending to use it genuine.--Whoever has in his possession any document, knowing the same to be forged, and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document is one of the description mentioned in section 466 of this Code, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in section 467, shall be punished with 1*[imprisonment for life], or with imprisonment of either description, for a term which may extend to seven years, and shall also be liable to fine.

1. Subs. by Act 26 of 1955. s. 117 and Sch., for "transportation for life".

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475.

Counterfeiting device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material.

475. Counterfeiting device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material.--Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document described in section 467 of this Code, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who, with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with 1*[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

476.

Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material.

476. Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material.--Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document other than the documents described in section 467 of this Code, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or

who with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited,

shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
477.

Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security.

477. Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security.--Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys or defaces, or attempts to cancel, destroy or deface, or secretes or attempts to secrete any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or commits mischief in respect of such document, shall be punished with 1*[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

477A.

Falsification of accounts.

2*[477A. Falsification of accounts.--Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, willfully, and with intent to defraud, destroys, alters, mutilates or falsifies any book, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or willfully, and with intent to defraud, makes or abets the making of any false entry in, or omits or alters or abets the omission or alteration of any material particular from or in. any such book, paper, writing, valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation.--It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud, or any particular day on which the offence was committed.]

3*[Of 4***property and other marks

478.

[Repealed.]

208 478. [Trade Mark.] Rep. by the Trade and Merchandise Marks Act,
1958 (43 of 1958), s. 135 and Sch. (w. e. f. 25-11-1959). 1. Subs. by Act
26 of 1955, s. 117 and Sch., for "transportation for
life".

2. Added by Act 3 of 1895, s. 4.

3. Subs. by Act. 4 of 1889, s. 3, for the original heading and ss.
478 to 489.

4. The word "trade," omitted by Act 43 of 1958, s. 135 and Sch.
(w.e.f. 25-11-1959).

479.

Property mark.

1*479. Property mark.--A mark used for denoting that movable
property belongs to a particular person is called a property mark. 480.
[Repealed.]

480. [Using a false trade mark.] Rep. by the Trade and
Merchandise Marks Act, 1958 (43 of 1958), s. 135 and Sch. (w.e.f. 25 -
11-1959).

481.

Using a false property mark.

481. Using a false property mark.--Whoever marks any movable property or goods or any case, package or other receptacle containing movable property or goods, or uses any case, package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.

482.

Punishment for using a false property mark.

482. Punishment for using a false property mark.--Whoever uses
1***any false property mark shall, unless he proves that he acted without
intent to defraud, be punished with imprisonment of either description for
a term which may extend to one year, or with fine, or
with both.

483.

Counterfeiting a property mark used by another.

483. Counterfeiting a property mark used by another.--Whoever
counterfeits any 3***property mark used by any other person shall be
punished with imprisonment of either description for a term which may
extend to two years, or with fine, or with both.

484. Counterfeiting a mark used by a public servant.

484. Counterfeiting a mark used by a public servant.--Whoever
counterfeits any property mark used by a public servant, or any mark
used by a public servant to denote that any property has been
manufactured by a particular person or at a particular time or place,
or that the property is of a particular quality or has passed through
a particular office, or that it is entitled to any exemption, or uses
as genuine any such mark knowing the same to be counterfeit, shall be
punished with imprisonment of either description for a term which may
extend to three years, and shall also be liable to fine.

485.

Making or possession of any instrument for counterfeiting a property
mark.

4*[485. Making or possession of any instrument for
counterfeiting a property mark.--Whoever makes or has in his possession
any die, plate or other instrument for the purpose of
counterfeiting a proper mark, or has in his possession a property mark
for the purpose of denoting that any goods belong to a person to whom they
do not belong, shall be punished with imprisonment of either
description for a term which may extend to three years, or with fine,
or with both.]

486.

209 Selling goods marked with a counterfeit property mark.

486. Selling goods marked with a counterfeit property mark.- -

5*[Whoever sells, or exposes, or has in possession for sale, any goods or things with a counterfeit property mark] affixed to or impressed upon the same or to or upon any case, package or other receptacle in which such goods are contained, shall, unless he proves -

1. Ss. 147 to 489 were subs. by Act 4 of 1889, for the original sections.

2. The words "any false trade mark or" omitted by Act 43 of 1958, s. 135 and Sch. (w.e.f. 25-11-1959).

3. The words "trade mark or" omitted by s. 135 and Sch., ibid. (w.e.f. 25-11-1959).

4. Subs. by s. 135 and Sch., ibid., for the former section (w.e.f. 25-11-1959).

5. Subs. by s. 135 and Sch., ibid., for certain words (w.e.f. 25-11 - 1959).

(a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the

genuineness of the mark, and

(b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things, or

(c) that otherwise he had acted innocently, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

487.

Making a false mark upon any receptacle containing goods.

487. Making a false mark upon any receptacle containing goods.- -

Whoever makes any false mark upon any case, package or other receptacle containing goods, in a manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that it does not contain goods which it does contain, or that the goods contained in such receptacle are of a nature or quality different from the real nature or quality thereof, shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

488.

Punishment for making use of any such false mark.

488. Punishment for making use of any such false mark.--Whoever makes use of any such false mark in any manner prohibited by the last foregoing section shall, unless he proves that he acted without intent to defraud, be punished as if he had committed an offence against that section.

489.

Tampering with property mark with intent to cause injury.

489. Tampering with property mark with intent to cause injury.- - Whoever removes, destroys, defaces or adds to any property mark, intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.]

1*[Of currency-notes and bank-notes

489A.

Counterfeiting currency-notes or bank-notes.

489A. Counterfeiting currency-notes or bank-notes.--Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any currency-note or bank-note, shall be punished with 2*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.-For the purposes of this section and of sections

489B, 3*[489C, 489D and 489E], the expression "bank-note" means a promissory note or engagement for the payment of money to bearer on demand issued by any person carrying on the business of banking in any part of the world, or issued by or under the authority of any State or Sovereign Power, and intended to be used as equivalent to, or as a substitute for money.

489B.

Using as genuine, forged or counterfeit currency-notes or bank-notes.

489B. Using as genuine, forged or counterfeit currency-notes or bank-notes.--Whoever sells to, or buys or receives from, any other person, or otherwise traffics in or uses as genuine, any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with 2 * [imprisonment for life], or with imprisonment of either description

for a term which may extend to ten years, and shall also be liable to fine.

1. Ss. 489A to 489D were ins. by Act 12 of 1899, s. 2

2. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

3. Subs. by Act 35 of 1950, s. 3 and Sch., II, for "489C and 489D".

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489C.

Possession of forged or counterfeit currency-notes or bank-note.

489C. Possession of forged or counterfeit currency-notes or bank-notes.--Whoever has in his possession any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

489D.

Making or possessing instruments or materials for forging or counterfeiting currency notes or bank-notes.

489D. Making or possessing instruments or materials for forging or counterfeiting currency notes or bank-notes.--Whoever makes, or performs any part of the process of making, or buys or sells or disposes of, or has in his possession, any machinery, instrument of material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency-note or bank-note, shall be punished with 1
*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.]

489E.

Making or using documents resembling currency-notes or bank-notes.

2*[489E. Making or using documents resembling currency-notes or bank-notes.--(1) Whoever makes, or causes to be made, or uses for any purpose whatsoever, or delivers to any person, any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, any currency-note or bank-note shall be punished with fine which may extend to one hundred rupees.

(2) If any person, whose name appears on a document the making of which is an offence under sub-section (1), refuses, without lawful excuse, to disclose to a police-officer on being so required the name and address of the person by whom it was printed or otherwise made, he shall be punished with fine which may extend to two hundred rupees.

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under sub-section (1) or on any other document used or distributed in connection with that document it may, until the contrary is proved, be presumed that that person caused the document to be made.]CHAPTER XIX

OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICECHAPTER II

GENERAL EXPLANATIONSCHAPTER XIX

OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE

490.

490. [Breach of contract of service during voyage or journey.]

Rep. by the Workmen's Breach of Contract (Repealing) Act, 1925 (3 of 1925), s. 2 and Sch.

491.

Breach of contract to attend on and supply wants of helpless person.

491. Breach of contract to attend on and supply wants of helpless

person.--Whoever, being bound by a lawful contract to attend on or to supply the wants of any person who, by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

211 492.

492. [Breach of contract to serve at distant place to which servant is conveyed at master's expense.] Rep. by the Workmen's Breach of Contract (Repealing) Act, 1925 (3 of 1925), s. 2 and Sch.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life".

2. S. 489E was ins. by Act 6 of 1943, s. 2. CHAPTER XX

OF OFFENCES RELATING TO MARRIAGE CHAPTER XX

OF OFFENCES RELATING TO MARRIAGE

493. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.

493. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.--Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

494.

Marrying again during lifetime of husband or wife.

494. Marrying again during lifetime of husband or wife.--Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception.--This section does not extend to any person whose

marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge. 495.

Same offence with concealment of former marriage from person with whom subsequent marriage is contracted.

495. Same offence with concealment of former marriage from person with whom subsequent marriage is contracted.--Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

496.

Marriage ceremony fraudulently gone through without lawful marriage.

496. Marriage ceremony fraudulently gone through without lawful marriage.--Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

497.

Adultery.

497. Adultery.--Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as

212 an abettor.

498.

Enticing or taking away or detaining with criminal intent a married woman.

498. Enticing or taking away or detaining with criminal intent a married woman.--Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.CHAPTER XXA OF CRUELTY BY HUSBAND OR RELATIVES OF HUSBAND

1*[CHAPTER XXA

OF CRUELTY BY HUSBAND OR RELATIVES OF HUSBAND

498A.

Husband or relative of husband of a woman subjecting her to cruelty.

498A. Husband or relative of husband of a woman subjecting her to cruelty.--Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

1. Chapter XXA inserted by Act 46 of 1983, s. 2.

Explanation.--For the purposes of this section, "cruelty" means -

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on

account of failure by her or any person related to her to meet such demand.]CHAPTER XXI
OF DEFAMATIONCHAPTER XXI
OF DEFAMATION

499. Defamation.

499. Defamation.--Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

Explanation 1.-It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2.-It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3.-An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.-No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or

causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations

(a) A says-"Z is an honest man; he never stole B's watch", intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it fall within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

213 (c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

First Exception.-Imputation of truth which public good requires to be made or published.- It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Second Exception.-Public conduct of public servants.-It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

Third Exception.-Conduct of any person touching any public question. -It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

Illustration

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

Fourth Exception.-Publication of reports of proceedings of courts- It is not defamation to publish a substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.

Explanation.-A Justice of the Peace or other officer holding an enquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above section.

Fifth Exception.-Merits of case decided in Court or conduct of witnesses and others concerned. It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

Illustrations

(a) A says-"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest." A is within this exception if he says this in good faith, inasmuch as the opinion which

214 he expresses respects Z's character as it appears in
Z's conduct as a
witness, and no farther.

(b) But if A says-"I do not believe what Z asserted at that trial
because I know him to be a man without veracity"; A is not within this
exception, inasmuch as the opinion which expresses of Z's character, is an
opinion not founded on Z's conduct as a witness.

Sixth Exception.-Merits of public performance.-It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no farther.

Explanation.-A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(d) A says of a book published by Z-"Z's book is foolish; Z must be a weak man. Z's book is indecent; Z must be a man of impure mind." A is within the exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no further.

(e) But if A says-"I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine." A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

Seventh Exception.-Censure passed in good faith by person having lawful authority over another.-It is not defamation in a person having over another any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

Illustration

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good

215 faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier-are within this exception.

Eighth Exception.-Accusation preferred in good faith to authorised person.-It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of accusation.

Illustration

If A in good faith accuses Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father-A is within this exception.

Ninth Exception.-Imputation made in good faith by person for protection of his or other's interests.-It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interest of the person making it, or of any other person, or for the public good.

Illustrations

(a) A, a shopkeeper, says to B, who manages his business-"Sell

nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(b) A, a Magistrate, in making a report to his own superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception.

Tenth Exception.-Caution intended for good of person to whom conveyed or for public good.- It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

500.

Punishment for defamation.

500. Punishment for defamation.--Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

501.

Printing or engraving matter known to be defamatory.

501. Printing or engraving matter known to be defamatory.- -

Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

502.

Sale of printed or engraved substance containing defamatory matter.

502. Sale of printed or engraved substance containing defamatory matter.--Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

CHAPTER XXII

OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

CHAPTER XXII

OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

503.

Criminal intimidation.

503. Criminal intimidation.--Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.-A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing B to resist from prosecuting a

civil suit, threatens to burn B's house. A is guilty of criminal
intimidation.

504.

Intentional insult with intent to provoke breach of the peace.

504. Intentional insult with intent to provoke breach of the
peace.--Whoever intentionally insults, and thereby gives provocation
to any person, intending or knowing it to be likely that such
provocation will cause him to break the public peace, or to commit any
other offence, shall be punished with imprisonment of either
description for a term which may extend to two years, or with fine, or
with both.

505.

Statements conducing public mischief.

1*[505. Statements conducing public mischief.--2*[(1)]

Whoever makes, publishes or circulates any statement, rumour or report,-

(a) with intent to cause, or which is likely to cause, any officer, soldier, 3*[sailor or airman] in the Army, 4*[Navy or Air Force] 5*[of India] to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or

1. Subs. by Act 4 of 1898, s. 6, for the original section.

2. Renumbered by Act 35 of 1969, s. 3.

3. Subs. by Act 10 of 1927, s. 2 and Such. I, for "or sailor".

4. Subs. by s. 2 and Sch. i. *ibid.*, for "or navy".

5. Subs. by the A.O. 1950, for "of Her Majesty or in the Imperial Service Troops". The words "or in the Royal Indian Marine" occurring after the word "Majesty" were rep. by Act 35 of 1934.

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, 216

shall be punished with imprisonment which may extend to 1*[three years], or with fine, or with both.

2*[(2) Statements creating or promoting enmity, hatred or ill-will between classes.--Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) Offence under sub-section (2) committed in place of worship, etc.--Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]

Exception.--It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it 2[in good faith and] without any such intent as aforesaid.]

506.

Punishment for criminal intimidation.

506. Punishment for criminal intimidation.--Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

If threat be to cause death or grievous hurt, etc.

If threat be to cause death or grievous hurt, etc.--and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or 3*[imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which

may extend to seven years, or with fine, or with both.
507.

Criminal intimidation by an anonymous communication.

217 507. Criminal intimidation by an anonymous communication.- -
Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding section.

508.

Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure.

508. Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure.--Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of Divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

1. Subs. by Act 41 of 1961, s. 4, for "two years".

2. Ins. by Act 35 of 1969, s. 3.

3. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation".

Illustrations

(a) A sits dhurna at Z's door with the intention of causing it to be believed that, by so sitting, he renders Z an object of Divine displeasure. A has committed the offence defined in this section.

(b) A threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of Divine displeasure. A has committed the offence defined in this section.

509.

Word, gesture or act intended to insult the modesty of a woman.

509. Word, gesture or act intended to insult the modesty of

a

woman.--Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

510.

Misconduct in public by a drunken person.

510. Misconduct in public by a drunken person.--Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to ten rupees, or with both.

CHAPTER

XXIII
OF ATTEMPTS TO COMMIT OFFENCES

CHAPTER XXIII
OF ATTEMPTS TO COMMIT OFFENCES

511. Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment.

511. Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment.--Whoever attempts to commit an offence punishable by this Code with 1*[imprisonment for life] or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with 2*[imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence], or with such fine as is provided for the offence, or with both.

Illustrations

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box, that there is no jewel in it.

-----He
has done an act towards the commission of theft, and therefore is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket. A is guilty under this section.

1. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation".

2. Subs. by s. 117 and Sch., *ibid.*, for certain words.

CHAPTER II GENERAL EXPLANATIONS

6.

Definitions in the Code to be understood subject to exceptions.

6. Definitions in the Code to be understood subject to exceptions.--Throughout this Code every definition of an offence, every penal provision and every illustration of every such definition or penal provision, shall be understood subject to the exceptions

contained in the Chapter entitled "General Exceptions", though those exceptions are not repeated in such definition, penal provision, or illustration.

Illustrations

(a) The sections, in this Code, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which done by child under seven years of age.

(b) A, a police-officer, without warrant, apprehends Z who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it".

7.

Sense of expression once explained.

7. Sense of expression once explained.--Every expression which is explained in any part of this Code, is used in every part of this Code in conformity with the explanation.

8.

Gender.

8. Gender.--The pronoun "he" and its derivatives are used of any person, whether male or female.

9.

Number.

9. Number.--Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

10.

"Man". "Woman".

103 10. "Man". "Woman".--The word "man" denotes a male human being of any age; the word "woman" denotes a female human being of any age.
1. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".
2. Subs. by Act 36 of 1957, s.3 and Sch. II, for "Illustrations".
3. The brackets and letter `6(a)' omitted by s. 3 and Sch. II, ibid.
4. Subs. by the A. O. 1948, for "a coolie, who is a Native Indian subject".
5. Subs. by the A. O. 1950, for "a British subject of Indian domicile".
6. Illustrations (b), (c) and (d) were rep. by the A. O. 1950.
7. Subs., ibid., for the former s. 5.
11.
"Person".
11. "Person".--The word "person" includes any Company or Association or body of persons, whether incorporated or not. 12.
"Public".
12. "Public".--The word "public" includes any class of the public or any community.
13.
[Definition of "Queen".] Rep. by the A. O. 1950.
14.
"Servant of Government".
1*[14. "Servant of Government".--The words "servant of Government" denote any officer or servant continued, appointed or employed in India by or under the authority of Government.]

15.

[Definition of "British India".] Rep. by the A. O. 1937.

16.

Definition of "Government of India".] Rep., ibid.

17.

"Government".

2*[17 "Government".--The word "Government" denotes the Central Government or the Government of a 3****State.]

18.

"India".

4*[18. "India".--"India" means the territory of India excluding the State of Jammu and Kashmir.]

19.

"Judge".

19. "Judge".--The word "Judge" denotes not only every person who is officially designated as a Judge, but also every person. who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

Illustrations

(a) A collector exercising jurisdiction in a suit under Act 10 of 1859, is a Judge.

(b) A Magistrate exercising jurisdiction in respect of a charge

104 on which he has power to sentence to fine or imprisonment with or without appeal, is a Judge.

(c) A member of a panchayat which has power, under 5*Regulation VII, 1816, of the Madras Code, to try and determine suit, is a Judge.

(d) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another Court, is not a Judge.

20.

"Court of Justice".

20. "Court of Justice".--The words "Court of Jutsice" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

Illustration

A Panchayat acting under 5*Regulation VII, 1816, of the Madras Code, having power to try and determine suits, is a Court of Justice.

1. Subs. by the A. O. 1950, for s. 14.

2. Subs., *ibid.*, for s. 17.

3. The words and letter "Part A" omitted by Act 3 of 1951, s. 3 and Sch.

4. Subs. by s. 3 and Sch., *ibid.*, for s. 18.

5. Rep. by the Madras Civil Courts Act, 1873 (3 of 1873).

21.

"Public servant".

21. "Public servant".--The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely:- -

1* * * * *

Second.--Every Commissioned Officer in the Military,

2*[Naval or Air] Forces 3*[4**** of India];

5*[Third.--Every Judge including any person empowered by law to discharge, whether by himself or as a member of any body

-----of

persons. any adjudicatory functions;]

Fourth.--Every officer of a Court of Justice
6*[(including a liquidator, receiver or commissioner)] whose duty
it is, as such officer, to investigate or report on any matter of
law or fact, or to make, authenticate, or keep any document, or to take
charge or dispose of any property, or to execute any
judicial process, or to administer any oath, or to interpret, or
to preserve order in the Court, and every person specially
authorized by a Court of Justice to perform any of such duties;

Fifth.--Every juryman, assessor, or member of a panchayat
assisting a Court of Justice or public servant;

Sixth.--Every arbitrator or other person to whom any cause
or matter has been referred for decision or report by any Court
of Justice, or by any other competent public authority;

Seventh.--Every person who holds any office by virtue of
which he is empowered to place or keep any person in confinement;

Eighth.--Every officer of 7*[the Government] whose duty it
is, as such officer, to prevent offences, to give information of offences,
to bring offenders to justice, or to protect the public
health, safety or convenience;

Ninth.--Every officer whose duty it is as such officer, to
take, receive, keep or expend any property on behalf of 7*[the
Government], or to make any survey, assessment or contract on
behalf of 7*[the Government], or to execute any revenue-
process, or to investigate, or to report, on any matter affecting
the pecuniary interests of 7*[the Government], or to make.
authenticate or keep any document relating to the pecuniary
interests of 7*[the Government], or to prevent the infraction
of any law for the protection of the pecuniary interests of
7*[the Government] 8****;

Tenth.--Every officer whose duty it is, as such officer, to
take, receive, keep or expend any property, to make any survey or
assessment or to levy any rate or tax for any secular common

purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

1. Cl. First omitted by the A. O. 1950.
2. Subs. by Act 10 of 1927, s. 2 and Sch. I, for "or Naval".
3. Subs. by the A. O. 1948, for "of the Queen while serving under any Government in British India or the Crown Representative".
4. The words "of the Dominion" omitted by the A. O. 1950.
5. Subs. by Act 40 of 1964, s. 2, for cl. Third.
6. Ins. by s. 2, *ibid.*

105 7. Subs. by the A. O. 1950, for "the Crown".

8. Certain words omitted by Act 40 of 1964, s. 2.

1*[Eleventh.--Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;]

2*[Twelfth.--Every person- -

(a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;

(b) in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).]

Illustration

A Municipal Commissioner is a public servant.

Explanation 1.--Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2.--Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

3*[Explanation 3.--The word "election" denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election.]

4* * * * *

22.

"Movable property".

22. "Movable property".--The words "movable property" are intended to include corporeal property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth.

23.

"Wrongful gain".

23. "Wrongful gain".--"Wrongful gain" is gain by unlawful means of property to which the person gaining is not legally entitled.

"Wrongful loss".

"Wrongful loss".--"Wrongful loss" is the loss by unlawful means of property to which the person losing it is legally entitled.

Gaining wrongfully. Losing wrongfully.

Gaining wrongfully. Losing wrongfully.--A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

24.

"Dishonestly".

24. "Dishonestly".--Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing "dishonestly".

25.

"Fraudulently".

25. "Fraudulently".--A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise.

1. Ins. by Act 39 of 1920, s. 2.

2. Subs. by Act 40 of 1964, s. 2, for cl. Twelfth, ins. by Act 2 of 1958, s. 2.

3. Ins. by Act 39 of 1920, s. 2.

4. Explanation 4 ins. by Act 2 of 1958, s. 2, omitted by Act 40 of 1964, s. 2.

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26.

"Reason to believe".

26. "Reason to believe".--A person is said to have "reason to believe" a thing, if he has sufficient cause to believe that thing but not otherwise.

27.

Property in possession of wife, clerk or servant.

27. Property in possession of wife, clerk or servant.--When property is in the possession of a person's wife, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Code.

Explanation.--A person employed temporarily or on a particular occasion in the capacity of a clerk, or servant, is a clerk or servant within the meaning of this section.

28.

"Counterfeit".

28. "Counterfeit".--A person is said to "counterfeit" who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

1*[Explanation 1.--It is not essential to counterfeiting that the imitation should be exact.

Explanation 2.--When a person causes one thing to resemble another thing, and the resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the one thing to resemble the other thing intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby be practised.]

29.

"Document".

29. "Document".--The word "document" denotes any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter.

Explanation 1.--It is immaterial by what means or upon what substance the letters, figures or marks are formed, or whether the evidence is intended for, or may be used in, a Court of Justice, or not.

Illustrations

A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.

A cheque upon a banker is a document.

A power-of-attorney is a document. A map or plan which is intended to be used or which may be used as evidence, is a document.

A writing containing directions or instructions is a document. Explanation 2.--Whatever is expressed by means of letters, figures or marks as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.

Illustration

A writes his name on the back of a bill of exchange payable to

his order. The meaning of the endorsement as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words "pay to the holder" or words to that effect had been written over the signature.

30.

"Valuable security".

30. "Valuable security".--The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished or released, or who hereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

1. Subs. by Act 1 of 1889, s. 9, for the original Explanation.

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Illustration

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security".

31.

"A will".

31. "A will".--The words "a will" denote any testamentary document.

32.

Words referring to acts include illegal omissions.

32. Words referring to acts include illegal omissions.--In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

33.

"Act". "Omission".

33. "Act". "Omission".--The word "act" denotes as well as series of acts as a single act: the word "omission" denotes as well a series of omissions as a single omission.

34.

Acts done by several persons in furtherance of common intention.

1*[34. Acts done by several persons in furtherance of common intention.--When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.]

35.

When such an act is criminal by reason of its being done with a criminal knowledge or intention.

35. When such an act is criminal by reason of its being done with a criminal knowledge or intention.--Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

36.

Effect caused partly by act and partly by omission.

36. Effect caused partly by act and partly by omission.--Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

Illustration

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

37.

Co-operation by doing one of several acts constituting an offence.

37. Co-operation by doing one of several acts constituting an offence.--When an offence is committed by means of several acts,

whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

Illustrations

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B administer the poison according to the agreement with intent to murder Z. Z dies from the effects the several doses of poison so administered to him. Here A and B intentionally co operate in the commission of murder and as each of them does an act by which the death is caused, they are both guilty of the offence though their acts are separate.

(b) A and B are joint jailors, and as such have the charge of Z, a prisoner, alternatively for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish

108 Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

1. Subs. by Act 27 of 1870, s. 1, for the original section.

(c) A, a jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder, but, as A did not co-operate with B. A is guilty only of an attempt to commit murder.

38.

Persons concerned in criminal Act may be guilty of different offences.

38. Persons concerned in criminal Act may be guilty of different offences.--Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act.

Illustration

A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. B, having ill-will towards Z and intending to kill him, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

39.

"Voluntarily".

39. "Voluntarily".--A person is said to cause an effect "voluntarily" when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

Illustration

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery and thus causes the death of a person. Here, A may not have intended to cause death; and may even be

sorry that death has been caused by his act; yet, if he knew that he
was likely to cause death, he has caused death voluntarily.

40.

"Offence".

1*[40. "Offence".--Except in the 2*[Chapters] and sections
mentioned in clauses 2 and 3 of this section, the word "offence"

denotes a thing made punishable by this Code.

In Chapter IV, 3*[Chapter VA] and in the following sections, namely, sections 4*[64, 65, 66, 5*[67], 71], 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word "offence" denotes a thing punishable under this Code, or under any special or local law as hereinafter defined.

And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word "offence" has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.]

41.

"Special law".

41. "Special law".--A "special law" is a law applicable to a particular subject. 42.

"Local law".

42. "Local law".--A "local law" is a law applicable only to a particular part of 6* [7**** 8*[India]].

1. Subs. by Act 27 of 1870, s. 2, for the original s. 40.

2. Subs. by Act 8 of 1930, s. 2 and Sch. I, for "chapter".

3. Ins. by Act 8 of 1913, s. 2.

4. Ins. by Act 8 of 1882, s. 1.

5. Ins. by Act 10 of 1886, s. 21 (1).

109 6. Subs. by the A.O. 1948, for "British India".

7. The words "the territories comprised in" were rep. by Act 48 of 1952, s. 3 and Sch. II.

8. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

43.

"Illegal".

"Legally bound to do".

43. "Illegal". "Legally bound to do".--The word "illegal" is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be "legally bound to do" whatever it is illegal in him to omit.

44.

"Injury".

44. "Injury".--The word "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

45.

"Life".

45. "Life".--The word "life" denotes the life of a human being, unless the contrary appears from the context.

46.

"Death".

46. "Death".--The word "death" denotes the death of a human being unless the contrary appears from the context.

47.

"Animal".

47. "Animal".--The word "animal" denotes any living creature, other than a human being.

48.

"Vessel".

48. "Vessel".--The word "vessel" denotes anything made for the conveyance by water of human beings or of property.

49.

"Year".

"Month".

49. "Year". "Month".--Wherever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned according to the British calendar.

50.

"Section".

50. "Section".--The word "section" denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

51.

"Oath".

51. "Oath".--The word "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made before a public servant or to be used for the purpose of proof, whether in a Court of Justice or not.

52.

"Good faith".

52. "Good faith".--Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention. 52A.

"Harbour".

1*[52A. "Harbour".--Except in section 157, and in section 130 in the case in which the harbour is given by the wife or husband of the person harboured, the word "harbour" includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this section or not, to evade apprehension.]CHAPTER III

OF PUNISHMENTSCHAPTER III

OF PUNISHMENTS

53. Punishments.

53. Punishments.--The punishments to which offenders are liable under the provisions of this Code are- -

First.--Death;

2*[Secondly.--Imprisonment for life;]

3* * * * *

Fourthly.--Imprisonment, which is of two descriptions, namely:-

(1) Rigorous, that is with hard labour;

(2) Simple;

Fifthly.--Forfeiture of property;

110 Sixthly.--Fine.

1. Ins. by Act 8 of 1942. s. 2.

2. Subs. by Act 26 of 1955, s. 117 and Sch., for "Secondly.- -
Transportation;"(w.e.f. 1-1-1956).

3. "Thirdly,-Penal seritude;" was rep. by Act 17 of 1949, s. 2
(w.e.f. 6-4-1949).

53A.

Construction of reference to transportation.

1*[53A. Construction of reference to transportation.--(1)

Subject to the provisions of sub-section (2) and sub-section (3), any
reference to "transportation for life" in any other law for the time
being in force or in any instrument or order having effect by virtue
of any such law or of any enactment repealed shall be construed as a
reference to "imprisonment for life".

(2) In every case in which a sentence of transportation for a
term has been passed before the commencement of the Code of Criminal
Procedure (Amendment) Act, 2*[1955], (26 of 1955), the offender
shall be dealt with in the same manner as if sentenced to rigorous
imprisonment for the same term.

(3) Any reference to transportation for a term or to
transportation for any shorter term (by whatever name called) in any
other law for the time being in force shall be deemed to have been
omitted.

(4) Any reference to "transportation" in any other law for the
time being in force shall, -

- (a) if the expression means transportation for life, be construed as a reference to imprisonment for life;
- (b) if the expression means transportation for any shorter term, be deemed to have been omitted.]

54.

Commutation of sentence of death.

54. Commutation of sentence of death.--In every case in which sentence of death shall have been passed, 3*[the appropriate Government] may, without the consent of the offender, commute the

punishment for any other punishment provided by this Code.

55.

Commutation of sentence of imprisonment for life.

55. Commutation of sentence of imprisonment for life.--In every case in which sentence of 4*[imprisonment] for life shall have been passed, 5[the appropriate Government] may, without the consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding fourteen years.

55A.

Definition of "appropriate Government".

6*[55A. Definition of "appropriate Government".--In sections fifty-four and fifty-five the expression "appropriate Government" means,-

(a) in cases where the sentence is a sentence of death or is for an offence against any law relating to a matter to which the executive power of the Union extends, the Central Government; and
(b) in cases where the sentence (whether of death or not) is for an offence against any law relating to a matter to which the executive power of the State extends, the Government of the State within which the offender is sentenced.]

56.

56. [Sentence of Europeans and Americans to penal servitude.

Proviso as to sentence for term exceeding ten years but not for life.]

Rep. by the Criminal Law (Removal of Racial Discriminations) Act, 1949 (17 of 1949) (w. e. f. 6-4-1949).

57.

Fractions of terms of punishment.

57. Fractions of terms of punishment.--In calculating fractions of terms of punishment, 4[imprinsonment] for life shall be reckoned as equivalent to 4[imprisonment] for twenty years.

58.

111 58. [Offenders sentenced to transportation how dealt with until transported.] Rep. by the Code of Criminal Procedure (Amendment) Act, 1955 (26 of 1955), s. 117 and Sch.
1. Ins. by Act 26 of 1955, s. 117 and Sch. (w.e.f. 1-1-1956).
2. Subs. by Act 36 of 1957, s. 3 and Sch. II, for "1954".
3. Subs. by the A. O. 1950, for "the Central Government or the Provincial Government of the Province within which the offender shall have been sentenced".
4. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation" (w.e.f. 1-1-1956).
5. Subs. by the A. O. 1950, for "the provincial Government of the Province within which the offender shall have been sentenced".
6. Subs., *ibid*, for s. 55A which had been ins. by the A. O. 1937.
59.
59. [Transportation instead of imprisonment.] Rep. by the Code of Criminal Procedure (Amendment) Act, 1955 (26 of 1955) s.117 and Sch., (w.e.f. 1-1-1956).

60.

Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple.

60. Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple.--In every case in which an offender is punishable with imprisonment which may be of either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple or] that any part of such imprisonment shall be rigorous and the rest simple.

61.

61. [Sentence of forfeiture of property.] Rep. by the Indian Penal Code (Amendment) Act, 1921 (16 of 1921), s. 4.

62.

62. [Forfeiture of property, in respect of offenders punishable with death, transportation or imprisonment.] Rep., by s. 4 ibid.

63.

Amount of fine.

63. Amount of fine.--Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive.

64.

Sentence of imprisonment for non-payment of fine.

64. Sentence of imprisonment for non-payment of fine.--1*[In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

and in every case of an offence punishable 2*[with imprisonment or fine, or] with fine only, in which the offender is sentenced to a fine.]

it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence.

65.

Limit to imprisonment for non-payment of fine, when imprisonment and fine awardable.

65. Limit to imprisonment for non-payment of fine, when imprisonment and fine awardable.--The term for which the Court directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

66.

-----Description of imprisonment for non-payment of fine.

66. Description of imprisonment for non-payment of fine.--The imprisonment which the Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence.

67.

Imprisonment for non-payment of fine, when offence punishable with fine only.

67. Imprisonment for non-payment of fine, when offence punishable with fine only.--If the offence be punishable with fine only, 3*[the imprisonment which the Court imposes in default of payment of the fine shall be simple, and] the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not

exceeding two months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case.

68.

Imprisonment to terminate on payment of fine.

68. Imprisonment to terminate on payment of fine.--The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law.

1. Subs. by Act 8 of 1882, s. 2, for "in every case in which an offender is sentenced to a fine".

2. Ins, by Act 10 of 1886, s. 21(2).

3. Ins by Act 8 of 1882, s. 3.

69.

Termination of imprisonment on payment of proportional part of fine.

69. Termination of imprisonment on payment of proportional part 112

of fine.--If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Illustration

A is sentenced to a fine of one hundred rupees and to four months' imprisonment in default of payment. Here, if seventy-five rupees of the fine be paid or levied before the expiration of one month of the imprisonment. A will be discharged as soon as the first month has expired. If seventy-five rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment. A will be immediately discharged. If fifty rupees of the fine be paid or levied before the expiration of two months of the imprisonment. A will be discharged as soon as the two months are completed. If fifty rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

70. Fine leviabale within six years, or during imprisonment. Death not to discharge property from liability.

70. Fine leviabale within six years, or during imprisonment. Death not to discharge property from liability.--The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

71.

Limit of punishment of offence made up of several offences.

71. Limit of punishment of offence made up of several offences.- - Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

1*[Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or where several acts, of which one or more than one would by itself

113 or themselves constitute an offence, constitute, when combined, a different offence, the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences].

Illustrations

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating.

(b) But, if, while A is beating Z, Y interferes, and A intentionally strikes Y, here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

72.

Punishment of person guilty of one of several offences, the judgment stating that it is doubtful of which.

72. Punishment of person guilty of one of several offences, the judgment stating that it is doubtful of which.--In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided if the same punishment is not provided for all.

1. Ins by Act 8 of 1882, s, 4.

73.

Solitary confinement.

73. Solitary confinement.--Whenever any person is convicted of an offence for which under this Code the Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, that is to say--

a time not exceeding one month if the term of imprisonment shall not exceed six months:

a time not exceeding two months if the term of imprisonment shall exceed six months and 1*[shall not exceed one] year:

a time not exceeding three months if the term of imprisonment shall exceed one year.

74.

Limit of solitary confinement.

74. Limit of solitary confinement.--In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

75.

Enhanced punishment for certain offence under Chapter XII or Chapter XVII after previous conviction.

2*[75. Enhanced punishment for certain offences under Chapter XII or Chapter XVII after previous conviction.--Whoever, having been convicted, -

(a) by a Court in 3*[India], of an offence punishable under Chapter XII or Chapter XVII of this Code with imprisonment of either description for a term of three years or upwards, 4****
4* * * * *

shall be guilty of any offence punishable under either of those Chapters with like imprisonment for the like term, shall be subject for every such subsequent offence to 5*[imprisonment for life] or to imprisonment of either description for a term which may extend to ten years.]CHAPTER IV

GENERAL EXCEPTIONS

CHAPTER IV
GENERAL EXCEPTIONS

76.

Act done by a person bound, or by mistake of fact believing himself bound, by law.- -

76. Act done by a person bound, or by mistake of fact believing himself bound, by law.--Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it.

Illustrations

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.

(b) A, an officer of a Court of Justice, being ordered by that Court to arrest Y, and after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

77.

Act of Judge when acting judicially.

77. Act of Judge when acting judicially.--Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

1. Subs. by Act 8 of 1882, s. 5, for "be less than a".

2. Subs. by Act 3 of 1910, s. 2, for the original section.

3. Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

4. The word "or" at the end of cl. (a) and cl. (b) were omitted by s. 3 and Sch., *ibid*.

5. Subs. by Act 26 of 1955, s. 117 and Sch., for "transportation for life" (w.e.f. 1-1-1956).

78. 114

Act done pursuant to the judgment or order of Court.

78. Act done pursuant to the judgment or order of Court.--Nothing which is done in pursuance of, or which is warranted by the judgment or order of, a Court of Justice, if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

79.

Act done by a person justified, or by mistake of fact believing himself, justified, by law.

79. Act done by a person justified, or by mistake of fact believing himself, justified, by law.--Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith,

believes himself to be justified by law, in doing it.

Illustration

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

80.

Accident in doing a lawful act.

80. Accident in doing a lawful act.--Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Illustration

A is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

81.

115 Act likely to cause harm, but done without criminal intent, and to prevent other harm.

81. Act likely to cause harm, but done without criminal intent, and to prevent other harm.--Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation.--It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations

(a) A, the captain of a steam vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B, with twenty or thirty passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only two passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down C.

(b) A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention in good faith of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

82.

Act of a child under seven years of age.

82. Act of a child under seven years of age.--Nothing is an offence which is done by a child under seven years of age. 83.

Act of a child above seven and under twelve of immature understanding.

83. Act of a child above seven and under twelve of immature understanding.--Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient

maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

84.

Act of a person of unsound mind.

84. Act of a person of unsound mind.--Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

85.

Act of a person incapable of judgment by reason of intoxication caused against his will.

85. Act of a person incapable of judgment by reason of intoxication caused against his will.--Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law: provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

86.

Offence requiring a particular intent or knowledge committed by one who is intoxicated.

86. Offence requiring a particular intent or knowledge committed by one who is intoxicated.--In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

87.

Act not intended and not known to be likely to cause death or grievous

hurt, done by consent.

87. Act not intended and not known to be likely to cause death or grievous hurt, done by consent.--Nothing which is not intended to cause death, or grievous hurt, and which is not known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person, above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Illustration

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

88.

Act not intended to cause death, done by consent in good faith for person's benefit.

88. Act not intended to cause death, done by consent in good faith for person's benefit.--Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied to suffer that harm, or to take the risk of that harm.

Illustration

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under the painful complaint, but not intending to cause Z's death, and intending, in good faith, Z's

benefit, performs that operation on Z, with Z's consent. A has committed no offence.

89.

Act done in good faith for benefit of child or insane person, by or by consent of guardian.

89. Act done in good faith for benefit of child or insane person, by or by consent of guardian.--Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of

116 any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person: Provided-
Provisos.

Provisos.-First.-That this exception shall not extend to the intentional causing of death, or to the attempting to cause death;

Secondly.-That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

Thirdly.-That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;

Fourthly.-That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustration

A, in good faith, for his child's benefit without his child's consent, has his child cut for the stone by a surgeon knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, in as much as his object was the cure of the child.

90.

Consent known to be given under fear or misconception.

90. Consent known to be given under fear or misconception.--A consent is not such a consent as is intended by any section of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

Consent of insane person.

Consent of insane person.-if the consent is given by a person who, from unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his

consent; or

Consent of child.

Consent of child.--unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

91.

Exclusion of acts which are offences independently of harm cause.

91. Exclusion of acts which are offences independently of harm cause.--The exceptions in sections 87, 88 and 89 do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Illustration

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is offence in expediently of any harm which it may cause or be intended to cause to the woman. Therefore, it is not an offence "by reason of such harm"; and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

92.

Act done in good faith for benefit of a person without consent.

92. Act done in good faith for benefit of a person without consent.-Nothing is an offence by reason of any harm which it may causes to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit: Provided-
Provisos.

Provisos.-First.-That this exception shall not extend to the intentional causing of death or the attempting to cause death; 117

Secondly.-That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

Thirdly.-That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt;

Fourthly.-That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations

(a) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(b) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's ball gives Z a mortal wound. A has committed no offence.

(c) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is not time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(d) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child, from the house-top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation.-Mere pecuniary benefit is not benefit within the meaning of sections 88 89 and 92.

93.

Communication made in good faith.

93. Communication made in good faith.--No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

Illustration

A, a surgeon, in good faith, communicates to a patient his

118 opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

94.

Act to which a person is compelled by threats.

94. Act to which a person is compelled by threats.--Except murder, and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the

apprehension that instant death to that person will otherwise be the consequence: Provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1.-A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2.-A person seized by a gang of dacoits, and forced, by threat of instant death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception.

95.

Act causing slight harm.

95. Act causing slight harm.--Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

Of the Right of Private Defence

96.

Things done in private defence.

96. Things done in private defence.--Nothing is an offence which is done in the exercise of the right of private defence.

97.

Right of private defence of the body and of property.

97. Right of private defence of the body and of property.--Every person has a right, subject to the restrictions contained in section 99, to defend -

First.--His own body, and the body of any other person, against any offence affecting the human body;

Secondly.--The property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

98.

Right of private defence against the act of a person of unsound mind, etc.

98. Right of private defence against the act of a person of unsound mind, etc.--When an act which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations

(a) Z, under the influence of madness, attempts to kill A; Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have

if Z were not acting under that misconception.

99.

Acts against which there is no right of private defence.

of private defence.- -

There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office though that direction may not be strictly justifiable by law.

There is no right of private defence in cases in which there is time to have recourse to protection of the public authorities.

Extent to which the right may be exercised.

Extent to which the right may be exercised.--The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Explanation 1.-A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows or has reason to believe, that the person doing the act is such public servant.

Explanation 2.-A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction, or unless such person states the authority under which he acts, or if he has authority in writing, unless he produces such authority, if demanded.

100.

When the right of private defence of the body extends to causing death.

100. When the right of private defence of the body extends to causing death.--The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely: -

First.-Such an assault as may reasonably cause the

apprehension that death will otherwise be the consequence of such assault;

Secondly.-Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

Thirdly.-An assault with the intention of committing rape;

Fourthly.-An assault with the intention of gratifying unnatural lust;

Fifthly.-An assault with the intention of kidnapping or abducting;

Sixthly.-An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

101.

When such right extends to causing any harm other than death.

101. When such right extends to causing any harm other than death.--If the offence be not of any of the descriptions enumerated in

the last preceding section, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in section 99, to the voluntary causing to the assailant of any harm other than death.
102.

Commencement and continuance of the right of private defence of the body.

102. Commencement and continuance of the right of private defence of the body.--The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues.

103.

When the right of private defence of property extends to causing death.

120 103. When the right of private defence of property extends to causing death.--The right of private defence of property extends, under the restrictions mentioned in section 99, to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely: -
First.-Robbery;
Secondly.-House-breaking by night;
Thirdly.-Mischief by fire committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or as a place for the custody of property;
Fourthly.-Theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

104.

When such right to causing any harm other than death.

104. When such right to causing any harm other than death.--If the offence, the committing of which, or the attempting to commit which occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions enumerated in the last preceding section, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in section 99, to the voluntary causing to the wrong-doer of any harm other than death.

105.

Commencement and continuance of the right of private defence of property.

105. Commencement and continuance of the right of private defence of property.--The right of private defence of property commences when a reasonable apprehension of danger to the property commences. The right of private defence of property against theft continues till the offender has effected his retreat with the property or either the assistance of the public authorities is obtained, or the property has been recovered.
The right of private defence of property against robbery

continues as long as the offender causes or attempts to cause to any person death or hurt or wrongful restraint or as long as the fear of instant death or of instant hurt or of instant personal restraint continues.

The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in

the commission of criminal trespass or mischief.

The right of private defence of property against house-breaking by night continues as long as the house-trespass which has been begun by such house-breaking continues.

106.

Right of private defence against deadly assault when there is risk of harm to innocent person.

106. Right of private defence against deadly assault when there is risk of harm to innocent person.--If in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Illustration

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

CHAPTER V
OF ABETMENT

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Bharatiya Nyaya Sanhita, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of the Sanhita. Short title, commencement and application. AS INTRODUCED IN LOK SABHA
Bill No. 121 of 2023

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(3) Every person shall be liable to punishment under this Sanhita and not otherwise for

every act or omission contrary to the provisions thereof, of which he shall be guilty within India.

(4) Any person liable, by any law for the time being in force in India, to be tried for an

offence committed beyond India shall be dealt with according to the provisions of this Sanhita for any act committed beyond India in the same manner as if such act had been committed within India.

(5) The provisions of this Sanhita apply also to any offence committed by—

(a) any citizen of India in any place without and beyond India;

(b) any person on any ship or aircraft registered in India wherever it may be;

(c) any person in any place without and beyond India committing offence targeting

a computer resource located in India.

Explanation.— In this section the word "offence" includes every act committed outside

India which, if committed in India, would be punishable under this Sanhita.

Illustration.

A, who is a citizen of India, commits a murder in any place without and beyond India,

he can be tried and convicted of murder in any place in India in which he may be found.

(6) Nothing in this Sanhita shall affect the provisions of any Act for punishing mutiny

and desertion of officers, soldiers, sailors or airmen in the service of the Government of India or the provisions of any special or local law.

2. In this Sanhita unless the context otherwise requires,—

(1) "act" as well a series of acts as a single act;

(2) "animal" means any living creature, other than a human being;

(3) "counterfeit".—A person is said to "counterfeit" who causes one thing to

resemble another thing, intending by means of that resemblance to practice deception, or knowing it to be likely that deception will thereby be practised.

Explanation 1.—It is not essential to counterfeiting that the imitation should be exact.

Explanation 2.—When a person causes one thing to resemble another thing, and the

resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the one thing to resemble the other thing intended by means of that resemblance to

practise deception or knew it to be likely that deception would thereby be practised;

(4) "Court" means a Judge who is empowered by law to act judicially alone, or a

body of Judges, which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially;

(5) "death" means the death of a human being unless the contrary appears from

the context;

(6) "dishonestly" means doing of an act with the intention of causing wrongful

gain to one person or wrongful loss to another person;

(7) "document" means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter.

Explanation 1.—It is immaterial by what means or upon what substance the letters,

figures or marks are formed, or whether the evidence is intended for, or may be used in a Court or not.

Definitions.

(a) A writing expressing the terms of a contract, which may be used as evidence

of the contract, is a document.

(b) A cheque upon a banker is a document.

(c) A power-of-attorney is a document.

(d) A Map or plan which is intended to be used or which may be used as evidence, is a document.

(e) A writing containing directions or instructions is a document.

Explanation 2.—Whatever is expressed by means of letters, figures or marks as

explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.

Illustration.

A writes his name on the back of a bill of exchange payable to his order. The

meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and shall be construed in the same manner as if the words "pay to the holder" or words to that effect had been written over the signature.

(8) "fraudulently".—A person is said to do a thing fraudulently if he does that

thing with intent to defraud but not otherwise.

(9) "gender".—the pronoun "he" and its derivatives are used of any person, whether male, female or transgender.

Explanation .— "transgender" shall have the meaning assigned to it in clause

(k) of section 2 of the Transgender Persons (Protection of Rights) Act, 2019;

(10) "good faith".—Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention;

(11) "Government" means the Central Government or a State Government;

(12) "harbour".—except as otherwise provided in this Sanhita, includes the

supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this section or not, to evade apprehension;

(13) "injury" means any harm whatever illegally caused to any person, in body, mind, reputation or property;

(14) "illegal"—"legally bound to do".—The word "illegal" is applicable to

everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be "legally bound to do" whatever it is illegal in him to omit;

(15) "Judge" means a person who is officially designated as a Judge and includes

a person,—

(i) who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive; or

(ii) who is one of a body or persons, which body of persons is empowered by law to give such a judgment.

Illustration.

A Magistrate exercising jurisdiction in respect of a charge on which he has

power to sentence to fine or imprisonment, with or without appeal, is a Judge;

(16) "life" means the life of a human being, unless the contrary appears from the context;

(17) "local law" means a law applicable only to a particular part of India;

(18) "man" means male human being of any age;

(19) "mental illness" shall have the meaning assigned to it in clause (a) of

section 2 of the Mental Healthcare Act, 2017;

(20) "month" and "year".—Wherever the word "month" or the word "year" is

used, it is to be understood that the month or the year is to be reckoned according to the Gregorian calendar;

(21) "movable property" includes property of every description, except land

and things attached to the earth or permanently fastened to anything which is attached to the earth;

(22) "number".—Unless the contrary appears from the context, words importing

the singular number include the plural number, and words importing the plural number include the singular number;

(23) "oath" includes a solemn affirmation substituted by law for an oath, and

any declaration required or authorised by law to be made before a public servant or to be used for the purpose of proof, whether in a Court or not;

(24) "offence".—Except in the Chapters and sections mentioned in sub-clauses

(a) and (b) the word "offence" means an act made punishable by this Sanhita, but--

(a) in Chapter III and in the following sections, namely, sub-sections (2),

(3), (4) and (5) of section 8, sections 10, 46, 47, 48, 51, 53, 54, 55, 56, 57, 61, 113,

114, 117, sub-sections (7) and (8) of section 125, 217, 224, 225, 234, 242, 244,

245, 253, 254, 255, 256, 257, sub-sections (6) and (7) of section 306 and clause

(b) of section 324, the word "offence" means a thing punishable under this Sanhita, or under any special law or local law; and

(b) in sections 183, 205, 206, 232, 233, 243, 247 and 323 the word "offence"

shall have the same meaning when the act punishable under the special law or local law is punishable under such law with imprisonment for a term of six months or more, whether with or without fine;

(25) "omission" means single omission as well as a series of omissions;

(26) "person" includes any company or association or body of persons, whether

incorporated or not;

(27) "public" includes any class of the public or any community;

(28) "public servant" means a person falling under any of the descriptions,

namely: —

(a) every commissioned officer in the Army, Navy or Air Force;

(b) every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;

(c) every officer including a liquidator, receiver or commissioner whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to

interpret, or to preserve order in the Court, and every person specially authorised to perform any of such duties;

(d) every assessor or member of a panchayat assisting a Court or public servant;

(e) every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court, or by any other competent public authority;

(f) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

(g) every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

(h) every officer whose duty it is as such officer, to take, receive, keep or

expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report, on any matter

affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government;

(i) every officer whose duty it is, as such officer, to take, receive, keep or

expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

(j) every person who holds any office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

(k) every person—

(i) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;

(ii) in the service or pay of a local authority as defined in clause (31) of section 3 of the General Clauses Act, 1897, a corporation established by or under a Central or State Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013.

Explanation.—

(a) persons falling under any of the descriptions made in this clause are public servants, whether appointed by the Government or not;

(b) every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation is a public servant;

(c) "election" means an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of election to which is by, or under any law for the time being in force.

Illustration .

A Municipal Commissioner is a public servant; 10 of 1897.

18 of 2013.5

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(29) "reason to believe".—A person is said to have "reason to believe" a thing,

if he has sufficient cause to believe that thing but not otherwise;

(30) "special law" means a law applicable to a particular subject;

(31) "valuable security" means a document which is, or purports to be, a document where by any legal right is created, extended, transferred, restricted, extinguished or released, or where by any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration.

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security";

(32) "vessel" means anything made for the conveyance by water of human beings or of property;

(33) "voluntarily" A person is said to cause an effect "voluntarily" when he

causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

Illustration .

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery and thus causes the death of a person. Here, A may not have intended to cause death; and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily;

(34) "will" means any testamentary document;

(35) "woman" means a female human being of any age;

(36) "wrongful gain" means gain by unlawful means of property to which the person gaining is not legally entitled;

(37) "wrongful loss" means the loss by unlawful means of property to which the person losing it is legally entitled;

(38) "gaining wrongfully", "losing wrongfully".—A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property; and

(39) words and expressions used but not defined in this Sanhita but defined in

the Information Technology Act, 2000 and the Bhartiya Nagarik Suraksha Sanhita, 2023 and shall have the meanings respectively assigned to them in that Act Sanhita.

3. (1) Throughout this Sanhita every definition of an offence, every penal provision,

and every Illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled "General Exceptions", though those exceptions are not repeated in such definition, penal provision, or Illustration.

Illustrations.

(a) The sections, in this Sanhita which contain definitions of offences, do not

express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a police-officer, without warrant, apprehends Z, who has committed murder.

Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it".

General Explanations and expressions. 21 of 2000.5

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(2) Every expression which is explained in any Part of this Sanhita, is used in every Part

of this Sanhita in conformity with the explanation.

(3) When property is in the possession of a person's spouse, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Sanhita.

Explanation.— A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this sub-section.

(4) In every Part of this Sanhita, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

(5) When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

(6) Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

(7) Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

Illustration .

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

(8) When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence. Illustrations.

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B administer the poison according to the agreement with intent to murder Z. Z dies from the effects of the several doses of poison so administered to him. Here A and B intentionally cooperate in the commission of murder and as each of them does an act by which the death is caused, they are both guilty of the offence though their acts are separate.

(b) A and B are joint jailors, and as such have the charge of Z, a prisoner, alternatively for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(c) A, a jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is

likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder, but, as A did not co-operate with B. A is guilty only of an attempt to commit murder.

(9) Where several persons are engaged or concerned in the commission of a criminal

act, they may be guilty of different offences by means of that act.

Illustration .

A attacks Z under such circumstances of grave provocation that his killing of Z would

be only culpable homicide not amounting to murder. B, having ill-will towards Z and intending

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to kill him, and not having been subject to the provocation, assists A in killing Z. Here,

though A and B are both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide. CHAPTER XII

O

F OFFENCES BY OR RELATING TO PUBLIC SERVANTS

196. Whoever, being a public servant, knowingly disobeys any direction of the law as

to the way in which he is to conduct himself as such public servant, intending to cause, or

knowing it to be likely that he will by such disobedience, cause injury to any person, shall be

punished with simple imprisonment for a term which may extend to one year, or with fine, or

with both. Imputations, assertions

prejudicial to national integration.

Public servant

disobeying law, with intent to cause injury to

any person. 5

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Illustration.

A, being an officer directed by law to take property in execution, in order to satisfy a

decree pronounced in Z's favour by a Court, knowingly disobeys that direction of law, with

the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

197. Whoever, being a public servant,–

(a) knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter; or

(b) knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation; or

(c) fails to record any information given to him under sub-section (1) of section 174 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in relation to cognizable

offence punishable under section 64, section 65 section 66, section 67, section 68,

section 71, section 73, section 76, section 122 or section 141 or section 142,

shall be punished with rigorous imprisonment for a term which shall not be less than

six months but which may extend to two years, and shall also be liable to fine.

198. Whoever, being in charge of a hospital, public or private, whether run by the

Central Government, the State Government, local bodies or any other person, contravenes

the provisions of section 449 of the Bharatiya Nagarik Suraksha Sanhita, 2023, shall be

punished with imprisonment for a term which may extend to one year or with fine or with

both.

199. Whoever, being a public servant, and being, as such public servant, charged with

the preparation or translation of any document or electronic record, frames, prepares or

translates that document or electronic record in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause

injury to any person, shall be punished with imprisonment of either description for a term

which may extend to three years, or with fine, or with both.

200. Whoever, being a public servant, and being legally bound as such public servant

not to engage in trade, engages in trade, shall be punished with simple imprisonment for a

term which may extend to one year, or with fine, or with both or with community service.

201. Whoever, being a public servant, and being legally bound as such public servant,

not to purchase or bid for certain property, purchases or bids for that property, either in his

own name or in the name of another, or jointly, or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both; and the property, if purchased, shall be confiscated.

202. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to three years and with fine.

203. Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both. Public servant disobeying direction under law.

Punishment

for non-

treatment of

victim.

Public servant

framing an

incorrect

document with intent to cause

injury.

Public servant

unlawfully

engaging in

trade.

Public servant

unlawfully

buying or

bidding for

property.

Personating a

public servant.

Wearing garb

or carrying

token used by

public servant

with fraudulent

intent.5

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OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

204. Whoever absconds in order to avoid being served with a summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order,--

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) where such summons or notice or order is to attend in person or by agent, or to produce a document or an electronic record in a Court shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

205. Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, or intentionally prevents the lawful affixing to any place of any such summons, notice or order or intentionally removes any such summons, notice or order from any place to which it is lawfully affixed or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made,--

(a) shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees, or with both;

(b) where the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document or electronic record in a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

206. Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order, or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time or departs from the place where he is bound to attend before the time at which it is lawful for him to depart,--

(a) shall be punished with simple imprisonment for a term which may extend to

one month, or with fine which may extend to five thousand rupees, or with both;

(b) where the summons, notice, order or proclamation is to attend in person or by agent in a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

Illustrations.

(a) A, being legally bound to appear before a High Court, in obedience to a

subpoena issuing from that Court, intentionally omits to appear. A has committed the offence defined in this section.

(b) A, being legally bound to appear before a District Judge, as a witness, in

obedience to a summons issued by that District Judge intentionally omits to appear. A has committed the offence defined in this section.

207. Whoever fails to appear at the specified place and the specified time as required

by a proclamation published under sub-section (1) of section 84 of the Bhartiya Nagarik

Suraksha Sanhita, 2023

shall be punished with imprisonment for a term which may extend to three years or with fine or with both or with community service, and where a declaration has been made under sub-section (4) of that section pronouncing him as a proclaimed offender,

he shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine. Absconding to

avoid service

of summons or

other

proceeding.

Preventing

service of

summons or

other

proceeding, or

preventing publication

thereof.

Non-

attendance in

obedience to

an order from

public servant.

Non-

appearance in

response to a

proclamation

under section 82 of Bhartiya

Nagarik

Suraksha

Sanhita 2023.5

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208. Whoever, being legally bound to produce or deliver up any document or electronic

record to any public servant, as such, intentionally omits so to produce or deliver up the same,--

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) and where the document or electronic record is to be produced or delivered

up to a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both. Illustration.

A, being legally bound to produce a document before a District Court, intentionally omits to produce the same. A has committed the offence defined in this section.

209. Whoever, being legally bound to give any notice or to furnish information on any

subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law,--

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) where the notice or information required to be given respects the commission

of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both;

(c) where the notice or information required to be given is required by an order

passed under section 447 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with

imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

210. Whoever, being legally bound to furnish information on any subject to any

public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false,--

(a) shall be punished with simple imprisonment for a term which may extend to

six months, or with fine which may extend to five thousand rupees, or with both;

(b) where the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender,

with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations.

(a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.

(b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, residing in an adjoining place, and being section 28 of the

Bhartiya Nagarik Suraksha Sanhita, 2023 to give early and punctual information of the above fact to the officer of the nearest police-station, wilfully misinforms the police officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in the latter part of this section.

Omission to produce document to public servant by person legally bound to produce it.

Omission to give notice or information to public servant by person legally bound to give it.

Furnishing false information.

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Explanation .—In section 209 and in this section the word “offence” include any act

committed at any place out of India, which, if committed in India, would be punishable under any of the following sections, namely, 97, 99, 172, 173, 174, 175, 301, clauses (b) to

(d) of section 303, sections 304, 305, 306, 320, 325 and 326 and the word “offender”

includes any person who is alleged to have been guilty of any such act.

211. Whoever refuses to bind himself by an oath or affirmation to state the truth,

when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

212. Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

213. Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to three thousand rupees, or with both.

214. Whoever, being legally bound by an oath or affirmation to state the truth on any subject to any public servant or other person authorised by law to administer such oath or affirmation, makes, to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

215. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant—

(a) to do or omit anything which such public servant ought not to do or omit

if the true state of facts respecting which such information is given were known by him; or

(b) to use the lawful power of such public servant to the injury or annoyance

of any person,

shall be punished with imprisonment of either description for a term which may extend to

one year, or with fine which may extend to ten thousand rupees, or with both.

Illustrations.

(a) A informs a Magistrate that Z, a police-officer, subordinate to such Magistrate,

has been guilty of neglect of duty or misconduct, knowing such information to be false,

and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

(b) A falsely informs a public servant that Z has contraband salt in a secret place,

knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section. Refusing oath or affirmation when duly required by public servant to make it. Refusing to answer public servant authorised to question. Refusing to sign statement. False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation. False information, with intent to cause public servant to use his lawful power to the injury of another person. 5

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(c) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section. 216. Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both. 217. Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of

either description for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

218. Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

219. Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two thousand five hundred rupees, or with both.

220. Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance,--

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two thousand five hundred rupees, or with both;

(b) and where such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court or of preventing the commission of an offence, or suppressing a riot, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

221. Whoever, knowing that, by an order promulgated by a public servant lawfully

empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction,--

(a) shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to two thousand five hundred rupees, or with both; Resistance to

the taking of property by the lawful authority of a public servant.
Obstructing
sale of property offered for sale by authority of public servant.
Illegal purchase
or bid for property offered for sale by authority of public servant.
Obstructing
public servant in discharge of public functions.
Omission to
assist public servant when bound by law to give assistance.
Disobedience
to order duly promulgated by public servant. 5

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(b) and where such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to one year, or

with fine which may extend to five thousand rupees, or with both.

Explanation. —It is not necessary that the offender should intend to produce harm,

or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of

the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration.

An order is promulgated by a public servant lawfully empowered to promulgate

such order, directing that a religious procession shall not pass down a certain street. A

knowingly disobeys the order, and thereby causes danger of riot. A has committed the

offence defined in this section.

222. Whoever holds out any threat of injury to any public servant, or to any person

in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the

exercise of the public functions of such public servant, shall be punished with imprisonment

of either description for a term which may extend to two years, or with fine, or with both.

223. Whoever holds out any threat of injury to any person for the purpose of

inducing that person to refrain or desist from making a legal application for protection

against any injury to any public servant legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

224. Whoever attempts to commit suicide with the intent to compel or restrain any public servant from discharging his official duty shall be punished with simple imprisonment for a term which may extend to one year or with fine or with both or with community service.

CHAPTER XIV

O

F FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

225. Whoever, being legally bound by an oath or by an express provision of law to

state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not

believe to be true, is said to give false evidence.

Explanation 1.—A statement is within the meaning of this section, whether it is

made verbally or otherwise.

Explanation 2.—A false statement as to the belief of the person attesting is within

the meaning of this section, and a person may be guilty of giving false evidence by

stating that he believes a thing which he does not believe, as well as by stating that he

knows a thing which he does not know.

Illustrations.

(a) A, in support of a just claim which B has against Z for one thousand rupees,

falsely swears on a trial that he heard Z admit the justice of B's claim.

A has given false

evidence.

Threat of injury to public servant.

Threat of

injury to induce person to refrain from applying for protection to public servant.

Attempt to

commit suicide to compel or restrain exercise of lawful power.

Giving false

evidence.

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(b) A, being bound by an oath to state the truth, states that he believes a certain

signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

(c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives

false evidence whether Z was at that place on the day named or not.

(e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document which he is bound by oath to interpret or translate

truly, that which is not and which he does not believe to be a true interpretation or translation. A has given false evidence.

226. Whoever causes any circumstance to exist or makes any false entry in any

book or record, or electronic record or makes any document or electronic record containing

a false statement, intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public

servant as such, or before an arbitrator, and that such circumstance, false entry or false

statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point

material to the result of such proceeding is said "to fabricate false evidence".

Illustrations.

(a) A puts jewels into a box belonging to Z, with the intention that they may be

found in that box, and that this circumstance may cause Z to be convicted of theft. A has

fabricated false evidence.

(b) A makes a false entry in his shop-book for the purpose of using it as corroborative

evidence in a Court. A has fabricated false evidence.

(c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes

a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in

such criminal conspiracy, and puts the letter in a place which he knows that the officers of

the police are likely to search. A has fabricated false evidence.

227. (1) Whoever intentionally gives false evidence in any of a judicial proceeding,

or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine which may extend to ten thousand rupees.

(2) Whoever intentionally gives or fabricates false evidence in any case other than that referred to in sub-section (1), shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine which may extend to five thousand rupees. Fabricating false evidence.

Punishment

for false evidence. 5

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Explanation 1.—A trial before a Court-martial is a judicial proceeding.

Explanation 2.—An investigation directed by law preliminary to a proceeding before

a Court is a stage of a judicial proceeding, though that investigation may not take place before a Court.

Illustration.

A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z

ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Explanation 3.—An investigation directed by a Court according to law, and conducted under the authority of a Court is a stage of a judicial proceeding, though that

investigation may not take place before a Court.

Illustration.

A, in an enquiry before an officer deputed by a Court to ascertain on the spot the

boundaries of land, makes on oath a statement which he knows to be false. As this

enquiry is a stage of a judicial proceeding, A has given false evidence.

228. (1) Whoever gives or fabricates false evidence, intending thereby to cause, or

knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by the law for the time being in force in India shall be punished

with imprisonment for life, or with rigorous imprisonment for a term which may extend to

ten years, and shall also be liable to fine which may extend to fifty thousand rupees.

(2) If an innocent person be convicted and executed in consequence of false

evidence referred in sub-section (1), the person who gives such false evidence shall be

punished either with death or the punishment hereinbefore described.

229. Whoever gives or fabricates false evidence intending thereby to cause, or

knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by the law for the time being in force in India is not capital, but punishable

with imprisonment for life, or imprisonment for a term of seven years or upwards, shall be

punished as a person convicted of that offence would be liable to be punished.

Illustration.

A gives false evidence before a Court intending thereby to cause Z to be convicted

of a dacoity. The punishment of dacoity is imprisonment for life, or rigorous imprisonment

for a term which may extend to ten years, with or without fine. A,

therefore, is liable to imprisonment for life or imprisonment, with or without fine.

230. (1) Whoever threatens another with any injury to his person, reputation or

property or to the person or reputation of any one in whom that person is interested, with

intent to cause that person to give false evidence shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(2) If innocent person is convicted and sentenced in consequence of false evidence

referred to in sub-section (1), with death or imprisonment for more than seven years, the

person who threatens shall be punished with the same punishment and sentence in the

same manner and to the same extent such innocent person is punished and sentenced. Giving or

fabricating false evidence with intent to procure conviction of capital offence. Giving or

fabricating false evidence with intent to procure conviction

of offence punishable with imprisonment for life or imprisonment.

Threatening

any person to give false evidence. 5

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231. Whoever corruptly uses or attempts to use as true or genuine evidence any

evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

232. Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

233. Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

234. Whoever, in any declaration made or subscribed by him, which declaration any Court or any public servant or other person, is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

235. Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Explanation.— A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of section 234 and this section.

236. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false shall,—

(a) if the offence which he knows or believes to have been committed is punishable with death be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

(b) if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment for any term not extending to ten years, be punished with imprisonment of the description provided for the

offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

Illustration.

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

237. Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both. Using evidence known to be false.

Issuing or signing false certificate.

Using as true a certificate known to be false.

False

statement made in a declaration which is by law receivable as evidence.

Using as true such a declaration knowing it to be false.

Causing

disappearance of evidence of offence, or giving false information to screen offender.

Intentional

omission to give information of offence by person bound to inform. 5

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238. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to

be false, shall be punished with imprisonment of either description for a term which may

extend to two years, or with fine, or with both.

Explanation. -In sections 236 and 237 and in this section the word "offence"

includes any act committed at any place out of India, which, if committed in India, would be punishable under any of the following sections, namely, 97, 99, 172, 173, 174, 175, 301, 303, 304, 305, 306, 320, 325 and 326.

239. Whoever secretes or destroys any document or electronic record which he

may be lawfully compelled to produce as evidence in a Court or in any proceeding lawfully held before a public servant, as such, or obliterates or renders illegible the whole or any part of such document or electronic record with the intention of preventing the same from being produced or

used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that

purpose, shall be punished with imprisonment of either description for a term which may

extend to three years, or with fine which may extend to five thousand rupees, or with both.

240. Whoever falsely personates another, and in such assumed character makes

any admission or statement, or confesses judgment, or causes any process to be issued or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three

years, or with fine, or with both.

241. Whoever fraudulently removes, conceals, transfers or delivers to any person

any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a Court or other competent authority, or from being taken in execution of a decree or order which has

been made, or which he knows to be likely to be made by a Court in a civil suit, shall be

punished with imprisonment of either description for a term which may extend to three years or with fine which may extend to five thousand rupees, or with both.

242. Whoever fraudulently accepts, receives or claims any property or any interest

therein, knowing that he has no right or rightful claim to such property or interest, or practices any deception touching any right to any property or any interest therein,

intending thereby to prevent that property or interest therein from being taken as a forfeiture

or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

243. Whoever fraudulently causes or suffers a decree or order to be passed against

him at the suit of any person for a sum not due or for a larger sum than is due to such person or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with

fine, or with both. Giving false information respecting an offence committed.

Destruction of

document to prevent its production as evidence.

False

personation for purpose of act or proceeding in suit or prosecution.

Fraudulent

removal or concealment of property to prevent its seizure as forfeited or in execution.

Fraudulent

claim to property to prevent its seizure as forfeited or in execution.

Fraudulently

suffering decree for sum not due.

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Illustration.

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against

him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of

B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made

under A's decree. Z has committed an offence under this section.

244. Whoever fraudulently or dishonestly, or with intent to injure or annoy any

person, makes in a Court any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

245. Whoever fraudulently obtains a decree or order against any person for a sum

not due, or for a larger sum than is due or for any property or interest in property to which

he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied or for anything in respect of which it has been satisfied,

or fraudulently suffers or permits any such act to be done in his name, shall be punished

with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

246. Whoever, with intent to cause injury to any person, institutes or causes to be

instituted any criminal proceeding against that person, or falsely charges any person with

having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person,—

(a) shall be punished with imprisonment of either description for a term which

may extend to five years, or with fine which may extend to two lakh rupees, or with

both;

(b) if such criminal proceeding be instituted on a false charge of an offence

punishable with death, imprisonment for life, or imprisonment for ten years or upwards, shall be punishable with imprisonment of either description for a term which may

extend to ten years, and shall also be liable to fine.

247. Whenever an offence has been committed, whoever harbours or conceals a

person whom he knows or has reason to believe to be the offender, with the intention of

screening him from legal punishment shall,—

(a) if the offence is punishable with death, be punished with imprisonment of

either description for a term which may extend to five years, and shall also be liable

to fine;

(b) if the offence is punishable with imprisonment for life, or with imprisonment

which may extend to ten years, be punished with imprisonment of either description

for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment which may extend to one year, and not to ten years, be punished with imprisonment of the description provided

for the offence for a term which may extend to one-fourth part of the longest term of

imprisonment provided for the offence, or with fine, or with both.

Explanation.-- "Offence" in this section includes any act committed at any place

out of India, which, if committed in India, would be punishable under any of the following sections, namely 97, 99, 172, 173, 174, 175, 301, 303, 304, 305, 306, 320, 325 and 326 and Dishonestly

making false claim in Court.

Fraudulently

obtaining decree for sum not due.

False charge

of offence made with intent to injure.

Harbouring

offender.5

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every such act shall, for the purposes of this section, be deemed to be punishable as if the

accused person had been guilty of it in India.

Exception .—This section shall not extend to any case in which the harbour or

concealment is by the spouse of the offender.

Illustration.

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to imprisonment for life, A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

248. Whoever accepts or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from

legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment shall,--

(a) if the offence is punishable with death, be punished with imprisonment of

either description for a term which may extend to seven years, and shall also be

liable to fine;

(b) if the offence is punishable with imprisonment for life, or with imprisonment

which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment not extending to ten years,

be punished with imprisonment of the description provided for the offence for a

term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

249. Whoever gives or causes, or offers or agrees to give or cause, any gratification

to any person, or restores or causes the restoration of any property to any person, in

consideration of that person's concealing an offence, or of his screening any person from

legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment shall,--

(a) if the offence is punishable with death, be punished with imprisonment of

either description for a term which may extend to seven years, and also be liable to

fine;

(b) if the offence is punishable with imprisonment for life or with imprisonment

which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment not extending to ten years,

be punished with imprisonment of the description provided for the offence for a

term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

250. Whoever takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any movable property of which he shall have been deprived by any offence punishable under this Sanhita , shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of theTaking gift, etc., to screenan offenderfrompunishment. Offering gift or restorationof property inconsiderationof screeningoffender. Taking gift to help torecover stolenproperty, etc.5

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offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

251. Whenever any person convicted of or charged with an offence, being in lawful

custody for that offence, escapes from such custody, or whenever a public servant, in theexercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension,

harbours or conceals that person with the intention of preventing him from beingapprehended, shall be punished in the manner following, namely:--

(a) if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of

either description for a term which may extend to seven years, and shall also be liable to fine;

(b) if the offence is punishable with imprisonment for life or imprisonment for

ten years, he shall be punished with imprisonment of either description for a term

which may extend to three years, with or without fine;

(c) if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punished with imprisonment of the descriptionprovided for the offence for a term which may extend to one-fourth part of the

longest term of the imprisonment provided for such offence, or with fine, or with both.

Explanation.-- "Offence" in this section includes also any act or omission of which

a person is alleged to have been guilty out of India, which, if he had been guilty of it inIndia, would have been punishable as an offence, and for which he is, under any law

relating to extradition, or otherwise, liable to be apprehended or detained in custody in

India, and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in India.

Exception .-The provision does not extend to the case in which the harbour or

concealment is by the spouse of the person to be apprehended.

252. Whoever, knowing or having reason to believe that any persons are about to

commit or have recently committed robbery or dacoity, harbours them or any of them, with

the intention of facilitating the commission of such robbery or dacoity, or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a

term which may extend to seven years, and shall also be liable to fine.

Explanation. -For the purposes of this section it is immaterial whether the robbery

or dacoity is intended to be committed, or has been committed, within or without India.

Exception.- This section does not extend to the case in which the harbour is by the

spouse of the offender.

253. Whoever, being a public servant, knowingly disobeys any direction of the law

as to the way in which he is to conduct himself as such public servant, intending thereby

to save, or knowing it to be likely that he will thereby save, any person from legal

punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to

save, any property from forfeiture or

any charge to which it is liable by law, shall be punished with

imprisonment of either

description for a term which may extend to two years, or with fine, or

with both. Harbours

offender who has escaped from custody or whose apprehension has been ordered.

Penalty for

harbouring robbers or dacoits.

Public servant

disobeying direction of law with intent to save person from punishment

or property from forfeiture. 5

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254. Whoever, being a public servant, and being as such public servant, charged

with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause,

or knowing it to be likely that

he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legalpunishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

255. Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

256. Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

257. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished,--

(a) with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with death; or

(b) with imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for life or imprisonment for a term which may extend to ten years; or

(c) with imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for a term less than ten years.

258. Whoever, being a public servant, legally bound as such public servant to

apprehend or to keep in confinement any person under sentence of a Court for any offence or lawfully committed to custody, intentionally omits to apprehend such person, or intentionally suffers such person to escape or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished,—
(a) with imprisonment for life or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death; or Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture.
Public servant in judicial proceeding corruptly making report, etc., contrary to law.
Commitment for trial or confinement by person having authority who knows that he is acting contrary to law.
Intentional omission to apprehend on the part of public servant bound to apprehend.
Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed.5

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(b) with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement or who ought to have been apprehended, is subject, by a sentence of a Court or by virtue of a commutation of such sentence, to imprisonment for life or imprisonment for a term of ten years, or upwards; or

(c) with imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement or who ought to have been apprehended is subject by a sentence of a Court to imprisonment for a term not extending to ten years or if the person was lawfully committed to custody.

259. Whoever, being a public servant legally bound as such public servant to keep in confinement any person charged with or convicted of any offence or lawfully committed to custody, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

260. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. -The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

261. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence,-

(a) shall be punished with imprisonment of either description for a term which

may extend to two years, or with fine, or with both;

(b) if the person to be apprehended, or the person rescued or attempted to be

rescued, is charged with or liable to be apprehended for an offence punishable with

imprisonment for life or imprisonment for a term which may extend to ten years, shall

be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the person to be apprehended, or rescued, or attempted to be rescued,

is charged with or liable to be apprehended for an offence punishable with death,

shall be punished with imprisonment of either description for a term which may

extend to seven years, and shall also be liable to fine;

(d) if the person to be apprehended or rescued, or attempted to be rescued, is

liable under the sentence of a Court or by virtue of a commutation of such a sentence, to imprisonment for life, or imprisonment, for a term of ten years, or upwards, shall

be punished with imprisonment of either description for a term which may extend to

seven years, and shall also be liable to fine;

(e) if the person to be apprehended or rescued, or attempted to be rescued, is

under sentence of death, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to

fine.

Resistance or obstruction by a person to his lawful apprehension. Escape from confinement or custody negligently suffered by public servant.

Resistance or

obstruction to lawful apprehension of another person. 5

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262. Whoever, being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 257, section 258 or section 259, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished—
(a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine or with both; and
(b) if he does so negligently, with simple imprisonment for a term which may

extend to two years, or with fine, or with both.

263. Whoever, in any case not provided for in section 260 or section 261 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

264. Whoever, having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced, if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

265. Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

266. Whoever, by personation or otherwise, shall intentionally cause, or knowingly suffer himself to be returned, empanelled or sworn as an assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled or sworn, or knowing himself to have been so returned, empanelled or sworn contrary to law, shall voluntarily serve on such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

267. Whoever, having been charged with an offence and released on bail or on bond

without sureties, fails without sufficient cause (the burden of proving which shall lie upon him), to appear in court in accordance with the terms

of the bail or bond, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Explanation.— The punishment under this section is—

- (a) in addition to the punishment to which the offender would be liable on a conviction for the offence with which he has been charged; and
- (b) without prejudice to the power of the court to order forfeiture of the bond.

CHAPTER XV

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F OFFENCES AFFECTING THE PUBLIC HEALTH , SAFETY , CONVENIENCE , DECENCY AND MORALS

268. A person is guilty of a public nuisance who does any act or is guilty of an illegal

omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right but a common nuisance is not excused on the ground that it causes some convenience or advantage. Omission to

apprehend, or sufferance of

escape, on

part of public

servant, in

cases not

otherwise,

provided for.

Resistance or

obstruction to

lawful

apprehension

or escape or

rescue in cases

not otherwise

provided for.

Violation of

condition of

remission of

punishment.

Intentional

insult or

interruption

to public

servant sitting

in judicial

proceeding.

Personation

of an assessor.

Failure by

person

released on

bail or bond to

appear in
court.
Public
nuisance.5

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269. Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

270. Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

271. Whoever knowingly disobeys any rule made by the Government for putting any mode of transport into a state of quarantine, or for regulating the intercourse of any such transport in a state of quarantine or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

272. Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

273. Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

274. Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

275. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees , or with both.

276. Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

277. Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees , or with both.

278. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with fine which may extend to one thousand rupees.

279. Whoever drives any vehicle, or rides, on any public way in a manner so rash or

negligent as to endanger human life, or to be likely to cause hurt or injury to any other person,

likely to spread

infection of

disease

dangerous to life.

M

alignant act

likely to spread

infection of

disease dangerous

to life.

Disobedience

to quarantine

rule.

Adulteration

of food or

drink intended

for sale.

Sale of noxious

food or drink.

Adulteration

of drugs.

Sale of

adulterated
drugs.
Sale of drug as
a different
drug or
preparation.
Fouling water
of public
spring or
reservoir.
Making
atmosphere
noxious to
health.
Rash driving
or riding on a
public way.⁵

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person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

280. Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

281. Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, and with fine which shall not be less than ten thousand rupees.

282. Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

283. Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished, with fine which may extend to five thousand rupees.

284. Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against any probable danger to human life from such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

285. Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

286. Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

287. Whoever does, with any machinery, any act so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

288. Whoever, in pulling down, repairing or constructing any building, knowingly or negligently omits to take such measures with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Rash navigation of vessel.

Exhibition of

false light,

mark or buoy.

Conveying

person by water for hire in unsafe or overloaded vessel.

Danger or

obstruction in public way or line of navigation.

Negligent

conduct with respect to poisonous substance.

Negligent

conduct with respect to fire or combustible matter.

Negligent

conduct with respect to explosive substance.

Negligent

conduct with respect to machinery.

Negligent

conduct with respect to pulling down, repairing or constructing buildings etc.

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289. Whoever knowingly or negligently omits to take such measures with any animal

in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

290. Whoever commits a public nuisance in any case not otherwise punishable by this

Sanhita shall be punished with fine which may extend to one thousand rupees.

291. Whoever repeats or continues a public nuisance, having been enjoined by any

public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

292. (1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing,

painting, representation, figure or any other object, including display of any content in electronic form shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

(2) Whoever—

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into

circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever in whatever manner; or

(b) imports, exports or conveys any obscene object for any of the purposes

aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation; or

(c) takes part in or receives profits from any business in the course of which he

knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation; or

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person; or

(e) offers or attempts to do any act which is an offence under this section,

shall be punished on first conviction with imprisonment of either description for a term

which may extend to two years, and with fine which may extend to five thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to ten thousand rupees.

Exception. —This section does not extend to—

(a) any book, pamphlet, paper, writing, drawing, painting, representation or

figure—

(i) the publication of which is proved to be justified as being for the public

good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern; or Negligent conduct with respect to animal.

Punishment for

public nuisance in cases not otherwise provided for.

Continuance of

nuisance after injunction to discontinue.

Sale, etc., of

obscene books, etc. 5

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(ii) which is kept or used bona fide for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented

on or in—

(i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958; or

(ii) any temple, or on any car used for the conveyance of idols, or kept or

used for any religious purpose.

293. Whoever sells, lets to hire, distributes, exhibits or circulates to any child below the age of eighteen years such obscene object as is referred to in section 292, or offers or attempts so to do, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.

294. Whoever, to the annoyance of others,—

(a) does any obscene act in any public place; or

(b) sings, recites or utters any obscene song, ballad or words, in or near any

public place,

shall be punished with imprisonment of either description for a term which may extend to

three months, or with fine which may extend to one thousand rupees, or with both.

295. (1) Whoever keeps any office or place for the purpose of drawing any lottery not

being a State lottery or a lottery authorised by the State Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(2) Whoever publishes any proposal to pay any sum, or to deliver any goods, or to

do or forbear from doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to five thousand rupees.

CHAPTER XVI

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F OFFENCES RELATING TO RELIGION

296. Whoever destroys, damages or defiles any place of worship, or any object held

sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

297. Whoever, with deliberate and malicious intention of outraging the religious feelings

of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or through electronic means or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

298. Whoever voluntarily causes disturbance to any assembly lawfully engaged in

the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. Sale, etc., of obscene objects to child.

Obscene acts
and songs.
Keeping
lottery office.
Injuring or
defiling place of worship, with intent to insult the religion of any class.
Deliberate and
malicious acts, intended to outrage religious feelings of any class by insulting
its religion or religious beliefs.
Disturbing
religious assembly. 5

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299. Whoever, with the intention of wounding the feelings of any person,
or of insulting
the religion of any person or with the knowledge that the feelings of any
person are likely to be wounded, or that the religion of any person is
likely to be insulted thereby, commits any trespass in any place of worship
or on any place of sepulture, or any place set apart for the performance of
funeral rites or as a depository for the remains of the dead, or offers
any indignity to any human corpse, or causes disturbance to any persons
assembled for the performance of funeral ceremonies, shall be punished with
imprisonment of either description for a term which may extend to one year,
or with fine, or with both.

300. Whoever, with the deliberate intention of wounding the religious
feelings of any
person, utters any word or makes any sound in the hearing of that person
or makes any gesture in the sight of that person or places any object in
the sight of that person, shall be punished with imprisonment of either
description for a term which may extend to one year, or with fine, or with
both.

CHAPTER XVII

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F OFFENCES AGAINST PROPERTY

301. (1) Whoever, intending to take dishonestly any movable property out
of the

possession of any person without that person's consent, moves that
property in order to such taking, is said to commit theft.

Explanation 1.—A thing so long as it is attached to the earth, not being
movable

property, is not the subject of theft; but it becomes capable of being the
subject of theft as soon as it is severed from the earth.

Explanation 2.—A moving effected by the same act which effects the
severance may
be a theft.

Explanation 3.—A person is said to cause a thing to move by removing an
obstacle

which prevented it from moving or by separating it from any other thing, as well as by actually moving it.

Explanation 4.—A person, who by any means causes an animal to move, is said to

move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.—The consent mentioned in this section may be express or implied, and

may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree

out of Z's possession without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if

A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain

direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(d) A being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs

away with the plate, without Z's consent. A has committed theft.

(e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall

return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust. Trespassing on burial places, etc.

Uttering words,

etc., with deliberate intent to wound religious feelings.

Theft. 5

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(f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring

is in Z's possession, and if A dishonestly removes it, A commits theft.

(g) A finds a ring lying on the highroad, not in the possession of any person. A, by

taking it, commits no theft, though he may commit criminal misappropriation of property.

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to

misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(i) A delivers his watch to Z, a jeweler, to be regulated. Z carries it to his shop. A, not owing to the jeweler any debt for which the jeweler might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away.

Here A, though he may have committed criminal trespass and assault, has not committed

theft, inasmuch as what he did was not done dishonestly.

(j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as

a security for the debt, and A takes the watch out of Z's possession, with the intention of

depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(k) Again, if A, having pawned his watch to Z, takes it out of Z's possession without

Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property inasmuch as he takes it dishonestly.

(l) A takes an article belonging to Z out of Z's possession without Z's consent, with

the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefore committed theft.

(m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes

away a book without Z's express consent for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(n) A asks charity from Z's wife. She gives A money, food and clothes, which A knows

to belong to Z her husband. Here it is probable that A may conceive that Z's wife is authorised to give away alms. If this was A's impression, A has not committed theft.

(o) A is the paramour of Z's wife. She gives a valuable property, which A knows to

belong to her husband Z, and to be such property as she has no authority from Z to give. If A takes the property dishonestly, he commits theft.

(p) A, in good faith, believing property belonging to Z to be A's own property, takes

that property out of Z's possession. Here, as A does not take dishonestly, he does not commit theft.

(2) Whoever commits theft shall be punished with imprisonment of either description

for a term which may extend to three years, or with fine, or with both and in case of second or subsequent conviction of any person under this

section, he shall be punished with rigorous imprisonment for a term which shall not be less than one year but which may extend to five years and with fine:

Provided that in cases of theft where the value of the stolen property is less than five thousand rupees, and a person is convicted for the first time, shall upon return of the value of property or restoration of the stolen property, shall be punished with community service.⁵

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302. (1) Theft is "snatching" if, in order to commit theft, the offender suddenly or

quickly or forcibly seizes or secures or grabs or takes away from any person or from his possession any moveable property.

(2) Whoever commits snatching, shall be punished with imprisonment of either

description for a term which may extend to three years, and shall also be liable to fine.

303. Whoever commits theft—

(a) in any building, tent or vessel used as a human dwelling or used for the custody of property; or

(b) of any means of transport used for the transport of goods or passengers; or

(c) of any article or goods from any means of transport used for the transport of

goods or passengers; or

(d) of idol or icon in any place of worship; or

(e) of any property of the Government or of a local authority,

shall be punished with imprisonment of either description for a term which may extend to

seven years and shall also be liable to fine.

304. Whoever, being a clerk or servant, or being employed in the capacity of a clerk or

servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either

description for a term which may extend to seven years, and shall also be liable to fine.

305. Whoever commits theft, having made preparation for causing death, or hurt, or

restraint, or fear of death, or of hurt, or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of

his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with

rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Illustrations.

(a) A commits theft on property in Z's possession; and while committing this theft, he

has a loaded pistol under his garment, having provided this pistol for the purpose of hurting Z in case Z should resist. A has committed the offence defined in this section.

(b) A picks Z's pocket, having posted several of his companions near him, in order that

they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this section.

Of Extortion

306. (1) Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property, or valuable security or anything signed or sealed which may be converted into a valuable security, commits "extortion".

Illustrations.

(a) A threatens to publish a defamatory libel concerning Z unless Z gives him money.

He thus induces Z to give him money. A has committed extortion.

(b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(c) A threatens to send club-men to plough up Z's field unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

Snatching.

Theft in a dwelling house, or means of transportation or place of worship, etc.

Theft by clerk

or servant of property in possession of master.

Theft after

preparation made for causing death, hurt or restraint in order to the committing of theft.

Extortion. 5

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(d) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or

affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security. A has committed extortion.

(e) A threatens Z by sending a message through an electronic device that "Your child

is in my possession, and will be put to death unless you send me one lakh rupees." A thus induces Z to give him money. A has committed "extortion".

(2) Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(3) Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear, of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(4) Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(5) Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(6) Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed, or attempted to commit, an offence punishable with death or with imprisonment for life, or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(7) Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with imprisonment for life, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Of Robbery and Dacoity

307. (1) In all robbery there is either theft or extortion.

(2) Theft is "robbery" if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt, or of instant wrongful restraint.

(3) Extortion is "robbery" if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

Explanation . -The offender is said to be present if he is sufficiently near to put the

other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

Illustrations

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery. Robbery. 5

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(b) A meets Z on the high road, shows a pistol, and demands Z's purse. Z, in consequence, surrenders his purse. Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(c) A meets Z and Z's child on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

(d) A obtains property from Z by saying "Your child is in the hands of my gang, and will be put to death unless you send us ten thousand rupees". This is extortion, and punishable as such: but it is not robbery, unless Z is put in fear of the instant death of his child.

(2) Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and, if the robbery be committed on the highway between sunset and sunrise, the imprisonment may be extended to fourteen years.

(3) Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

(4) If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

308. (1) When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit "dacoity".

(2) Whoever commits dacoity shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(3) If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or imprisonment for life, or rigorous imprisonment for a term which shall not be less than ten years, and shall also be liable to fine.

(4) Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(5) Whoever is one of five or more persons assembled 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.

(6) Whoever belongs to a gang of persons associated for the purpose of habitually committing dacoity, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

309. If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

310. If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than seven years. Dacoity.

Robbery, or dacoity, with attempt to cause death or grievous hurt. Attempt to

commit robbery or dacoity when armed with deadly weapon. 5

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311. Whoever belongs to any gang of persons associated in habitually committing theft or robbery, and not being a gang of dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Of Criminal misappropriation of property.

312. Whoever dishonestly misappropriates or converts to his own use any movable

property, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to two years and with fine.

Illustrations.

(a) A takes property belonging to Z out of Z's possession, in good faith believing at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But, if A afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(c) A and B, being, joint owners of a horse. A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But, if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

Explanation 1.—A dishonest misappropriation for a time only is a misappropriation

within the meaning of this section.

Illustration.

A finds a Government promissory note belonging to Z, bearing a blank endorsement.

A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan, intending at a future time to restore it to Z. A has committed an offence under this section.

Explanation 2.—A person who finds property not in the possession of any other

person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that

any particular person is the owner of it; it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believe that the real owner cannot be found.

Illustrations.

(a) A finds a rupee on the high road, not knowing to whom the rupee belongs, A picks up the rupee. Here A has not committed the offence defined in this section.

(b) A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.

(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A punishment for belonging to gang of robbers, dacoits, etc.

Dishonest

misappropriation of property.5

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knows that this person can direct him to the person in whose favour the cheque was drawn.

A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

(d) A sees Z drop his purse with money in it. A picks up the purse with the intention of

restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this section.

(e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers

that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately

without attempting to discover the owner. A is guilty of an offence under this section.

313. Whoever dishonestly misappropriates or converts to his own use any property,

knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Illustration.

Z dies in possession of furniture and money. His servant A, before the money comes

into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this section.

Of Criminal breach of trust

314. (1) Whoever, being in any manner entrusted with property, or with any dominion

over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be

discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust".

Explanation 1.—A person, being an employer of an establishment whether exempted

under section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 or not who deducts the employee's contribution from the wages payable to the employee for credit to a Provident Fund or Family Pension Fund established by any law for the time being in force, shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said law, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Explanation 2.—A person, being an employer, who deducts the employees' contribution from the wages payable to the employee for credit to the Employees' State Insurance Fund held and administered by the Employees' State Insurance Corporation established under the Employees' State Insurance Act, 1948 shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said Act, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Illustrations.

(a) A, being executor to the will of a deceased person, dishonestly disobeys the law

which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust. Dishonest misappropriation of property possessed by deceased person at the time of his death.

Criminal

breach of trust. 5

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(b) A is a warehouse-keeper Z going on a journey, entrusts his furniture to A, under a

contract that it shall be returned on payment of a stipulated sum for warehouse room. A dishonestly sells the goods. A has committed criminal breach of trust.

(c) A, residing in Kolkata, is agent for Z, residing at Delhi. There is an express or implied

contract between A and Z, that all sums remitted by Z to A shall be invested by A, according to Z's direction. Z remits a lakh of rupees to A, with directions to A to invest the same in Company's paper. A dishonestly disobeys the directions and employs the money in his own business. A has committed criminal breach of trust.

(d) But if A, in illustration (c), not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys Z's directions, and buys shares in the Bank of Bengal, for Z, instead of buying Company's paper, here, though Z should suffer loss, and should be entitled to bring a civil action against A, on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.

(e) A, a revenue-officer, is entrusted with public money and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. A dishonestly appropriates the money. A has committed criminal breach of trust.

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

(2) Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(3) Whoever, being entrusted with property as a carrier, wharfinger or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(4) Whoever, being a clerk or servant or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(5) Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent commits criminal breach of trust in respect of that property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Of the Receiving of stolen property

315. (1) Property, the possession whereof has been transferred by theft or extortion or

robbery or cheating, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as "stolen property", whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without India, but, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

(2) Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

(3) Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of Stolenproperty.5

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dacoity, or dishonestly receives from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(4) Whoever habitually receives or deals in property which he knows or has reason to

believe to be stolen property, shall be punished with imprisonment for life, or with imprisonment

of either description for a term which may extend to ten years, and shall also be liable to fine.

(5) Whoever voluntarily assists in concealing or disposing of or making away with

property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Of Cheating

316. (1) Whoever, by deceiving any person, fraudulently or dishonestly induces the

person so deceived to deliver any property to any person, or to consent that any person

shall retain any property, or intentionally induces the person so deceived to do or omit to do

anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat".

Explanation. -A dishonest concealment of facts is a deception within the meaning of

this section.

Illustrations.

(a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and

thus dishonestly induces Z to let him have on credit goods for which he does not mean to

pay. A cheats.

(b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a

belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.

(c) A, by exhibiting to Z a false sample of an article intentionally deceives Z into

believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

(d) A, by tendering in payment for an article a bill on a house with which A keeps no

money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.

(e) A, by pledging as diamond articles which he knows are not diamonds, intentionally

deceives Z, and thereby dishonestly induces Z to lend money. A cheats.

(f) A intentionally deceives Z into a belief that A means to repay any money that Z

may lend to him and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.

(g) A intentionally deceives Z into a belief that A means to deliver to Z a certain

quantity of indigo plant which he does not intend to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A

cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract

and does not deliver it, he does not cheat, but is liable only to a civil action for breach of

contract.

(h) A intentionally deceives Z into a belief that A has performed A's part of a contract

made with Z, which he has not performed, and thereby dishonestly induces Z to pay money.

A cheats. Cheating. 5

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(i) A sells and conveys an estate to B. A, knowing that in consequence of such sale

he has no right to the property, sells or mortgages the same to Z, without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

(2) Whoever cheats shall be punished with imprisonment of either description for a

term which may extend to three years, or with fine, or with both.

(3) Whoever cheats with the knowledge that he is likely thereby to cause wrongful

loss to a person whose interest in the transaction to which the cheating relates, he was bound, either by law, or by a legal contract, to protect,

shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(4) Whoever cheats and thereby dishonestly induces the person deceived to deliver

any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

317. (1) A person is said to "cheat by personation" if he cheats by pretending to be

some other person, or by knowingly substituting one person for or another, or representing that he or any other person is a person other than he or such other person really is.

Explanation. -The offence is committed whether the individual personated is a real

or imaginary person.

Illustrations.

(a) A cheats by pretending to be a certain rich banker of the same name. A cheats by

personation.

(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

(2) Whoever cheats by personation shall be punished with imprisonment of either description

for a term which may extend to five years, or with fine, or with both.

Of fraudulent deeds and dispositions of property

318. Whoever dishonestly or fraudulently removes, conceals or delivers to any person,

or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to two years, or with fine, or with both.

319. Whoever dishonestly or fraudulently prevents any debt or demand due to himself

or to any other person from being made available according to law for payment of his debt or the debts of such other person, shall be punished with imprisonment of either description for

a term which may extend to two years, or with fine, or with both.

320. Whoever dishonestly or fraudulently signs, executes or becomes a party to any

deed or instrument which purports to transfer or subject to any charge, any property, or any

interest therein, and which contains any false statement relating to the consideration for

such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Cheating by personation.

Dishonest or

fraudulent removal or concealment of property
to prevent distribution among creditors.

Dishonestly or

fraudulently preventing debt being available for creditors.

Dishonest or

fraudulent execution of deed of transfer containing false
statement of consideration.⁵

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321. Whoever dishonestly or fraudulently conceals or removes any property
of himself

or any other person, or dishonestly or fraudulently assists in the
concealment or removal thereof, or dishonestly releases any demand or claim
to which he is entitled, shall be punished with imprisonment of either
description for a term which may extend to three years, or with fine, or
with both.

Of Mischief

322. (1) Whoever with intent to cause, or knowing that he is likely to
cause, wrongful

loss or damage to the public or to any person, causes the destruction of
any property, or any such change in any property or in the situation
thereof as destroys or diminishes its value or utility, or affects it
injuriously, commits "mischief".

Explanation 1.—It is not essential to the offence of mischief that the
offender should

intend to cause loss or damage to the owner of the property injured or
destroyed. It is sufficient if he intends to cause, or knows that he is
likely to cause, wrongful loss or damage to any person by injuring any
property, whether it belongs to that person or not.

Explanation 2.—Mischief may be committed by an act affecting property
belonging

to the person who commits the act, or to that person and others jointly.
Illustrations.

(a) A voluntarily burns a valuable security belonging to Z intending to
cause wrongful

loss to Z. A has committed mischief.

(b) A introduces water into an ice-house belonging to Z and thus causes
the ice to

melt, intending wrongful loss to Z. A has committed mischief.

(c) A voluntarily throws into a river a ring belonging to Z, with the
intention of thereby

causing wrongful loss to Z. A has committed mischief.

(d) A, knowing that his effects are about to be taken in execution in
order to satisfy a

debt due from him to Z, destroys those effects, with the intention of
thereby preventing Z from obtaining satisfaction of the debt, and of thus
causing damage to Z. A has committed mischief.

(e) A having insured a ship, voluntarily causes the same to be cast away,
with the

intention of causing damage to the underwriters. A has committed mischief.
(f) A cause a ship to be cast away, intending thereby to cause damage to Z who has lent

money on bottomry on the ship. A has committed mischief.

(g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(h) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing

that he is likely to cause damage to Z's crop. A has committed mischief.

(2) Whoever commits mischief shall be punished with imprisonment of either description

for a term which may extend to six months, or with fine, or with both.

(3) Whoever commits mischief and thereby causes loss or damage to any property

including the property of Government or Local Authority shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

(4) Whoever commits mischief and thereby causes loss or damage to the amount of

twenty thousand rupees and more but less than one lakh rupees shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(5) Whoever commits mischief and thereby causes loss or damage to the amount of

one lakh rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. Dishonest or fraudulent removal or concealment of property.

Mischief.5

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(6) Whoever commits mischief, having made preparation for causing to any person

death, or hurt, or wrongful restraint, or fear of death, or of hurt, or of wrongful restraint, shall

be punished with imprisonment of either description for a term which may extend to five

years, and shall also be liable to fine.

323. Whoever commits mischief by killing, poisoning, maiming or rendering useless

any animal shall be punished with imprisonment of either description for a term which may

extend to five years, or with fine, or with both.

324. Whoever commits mischief by,---

(a) doing any act which causes, or which he knows to be likely to cause, a

diminution of the supply of water for agricultural purposes, or for food or drink for

human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;

(b) doing any act which renders or which he knows to be likely to render any

public road, bridge, navigable river or navigable channel, natural or artificial, impassable

or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;

(c) doing any act which causes or which he knows to be likely to cause an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;

(d) destroying or moving any sign or signal used for navigation of rail, aircraft

or ship or other thing placed as a guide for navigators, or by any act which renders any

such sign or signal less useful as a guide for navigators, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both;

(e) destroying or moving any land-mark fixed by the authority of a public servant,

or by any act which renders such land-mark less useful as such, shall be punished with

imprisonment of either description for a term which may extend to one year, or with fine, or with both;

(f) fire or any explosive substance intending to cause, or knowing it to be likely

that he will thereby cause, damage to any property including agricultural produce,

shall be punished with imprisonment of either description for a term which may extend

to seven years and shall also be liable to fine;

(g) fire or any explosive substance, intending to cause, or knowing it to be likely

that he will thereby cause, the destruction of any building which is ordinarily used as

a place of worship or as a human dwelling or as a place for the custody of property,

shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

325. (1) Whoever commits mischief to any rail, aircraft, or a decked vessel or any

vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or

knowing it to be likely that he will thereby destroy or render unsafe, that rail, aircraft or

vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever commits, or attempts to commit, by fire or any explosive substance, such

mischief as is described in sub-section (1), shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Mischief by killing or maiming an animal.

Mischief by injury, inundation, fire or explosive substance, etc.

Mischief with intent to destroy or make unsafe a rail, aircraft, decked vessel or one of twenty tons burden.

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326. Whoever intentionally runs any vessel aground or ashore, intending to commit

theft of any property contained therein or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Of criminal trespass

327. (1) Whoever enters into or upon property in the possession of another with

intent to commit an offence or to intimidate, insult or annoy any person in possession of such property or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person or with intent to commit an offence is said to commit "criminal trespass".

(2) Whoever commits criminal trespass by entering into or remaining in any building,

tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit "house-trespass".

Explanation. -The introduction of any part of the criminal trespasser's body is entering

sufficient to constitute house-trespass.

(3) Whoever commits criminal trespass shall be punished with imprisonment of either

description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

(4) Whoever commits house-trespass shall be punished with imprisonment of either

description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

328. (1) Whoever commits house-trespass having taken precautions to conceal such

house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent or vessel which is the subject of the trespass, is said to commit "lurking house-trespass".

(2) A person is said to commit "house-breaking" who commits house-trespass if he

effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of the following ways, namely:--

(a) if he enters or quits through a passage made by himself, or by any abettor of

the house-trespass, in order to the committing of the house-trespass;

(b) if he enters or quits through any passage not intended by any person, other

than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building;

(c) if he enters or quits through any passage which he or any abettor of the

house-trespass has opened, in order to the committing of the house-trespass by any means by which that passage was not intended by the occupier of the house to be opened;

(d) if he enters or quits by opening any lock in order to the committing of the

house-trespass, or in order to the quitting of the house after a house-trespass;

(e) if he effects his entrance or departure by using criminal force or committing

an assault, or by threatening any person with assault;

(f) if he enters or quits by any passage which he knows to have been fastened

against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass. Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.

Criminal

trespass and house-trespass.

House-trespass

and house-breaking. 5

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Explanation. -Any out-house or building occupied with a house, and between which

and such house there is an immediate internal communication, is part of the house within the meaning of this section.

Illustrations.

(a) A commits house-trespass by making a hole through the wall of Z's house, and

putting his hand through the aperture. This is house-breaking.

(b) A commits house-trespass by creeping into a ship at a port-hole between decks.

This is house-breaking.

(c) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, having opened

a door which was fastened. This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, having lifted a

latch by putting a wire through a hole in the door. This is house-breaking.

(f) A finds the key of Z's house door, which Z had lost, and commits house-trespass

by entering Z's house, having opened the door with that key. This is house-breaking.

(g) Z is standing in his doorway. A forces a passage by knocking Z down, and

commits house-trespass by entering the house. This is house-breaking.

(h) Z, the door-keeper of Y, is standing in Y's doorway. A commits house-trespass by

entering the house, having deterred Z from opposing him by threatening to beat him. This is house-breaking.

329. (1) Whoever commits lurking house-trespass or house-breaking, shall be punished

with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

(2) Whoever commits lurking house-trespass or house-breaking after sunset and before

sunrise, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(3) Whoever commits lurking house-trespass or house-breaking, in order to the

committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to ten years.

(4) Whoever commits lurking house-trespass or house-breaking after sunset and before

sunrise, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years.

(5) Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description or a term which may extend to ten years, and shall also be liable to fine.

(6) Whoever commits lurking house-trespass or house-breaking after sunset and before sunrise, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine. Punishment for house-trespass or house-breaking. 5

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(7) Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(8) If, at the time of the committing of lurking house-trespass or house-breaking after sunset and before sunrise, any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass or house-breaking after sunset and before sunrise, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

330. Whoever commits house-trespass in order to the committing of any offence--

(a) punishable with death, shall be punished with imprisonment for life, or with rigorous imprisonment for a term not exceeding ten years, and shall also be liable to fine;

(b) punishable with imprisonment for life, shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine;

(c) punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine:

Provided that if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

331. Whoever commits house-trespass, having made preparation for causing hurt to

any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

332. (1) Whoever dishonestly or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(2) Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

CHAPTER XVIII

O

F OFFENCES RELATING TO DOCUMENTS AND TO PROPERTY MARKS

333. A person is said to make a false document or false electronic record—

(A) Who dishonestly or fraudulently—

(i) makes, signs, seals or executes a document or part of a document;

(ii) makes or transmits any electronic record or part of any electronic record;

(iii) affixes any electronic signature on any electronic record;

(iv) makes any mark denoting the execution of a document or the authenticity of the electronic signature,

with the intention of causing it to be believed that such document or part of document,

electronic record or electronic signature was made, signed, sealed, executed, transmitted or House-trespass in order to commit offence.

House-trespass

after preparation for hurt, assault or wrongful restraint.

Dishonestly

breaking open receptacle containing property.

Making a false

document.5

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affixed by or by the authority of a person by whom or by whose authority he knows that it

was not made, signed, sealed, executed or affixed; or

(B) Who without lawful authority, dishonestly or fraudulently, by cancellation

or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with electronic signature either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

(C) Who dishonestly or fraudulently causes any person to sign, seal, execute or

alter a document or an electronic record or to affix his electronic signature on any electronic record knowing that such person by reason of mental illness or intoxication cannot, or that by reason of deception

practised upon him, he does not know the contents of the document or electronic record or the nature of the alteration.

Illustrations.

(a) A has a letter of credit upon B for rupees 10,000, written by Z. A, in order to defraud

B, adds cipher to the 10,000, and makes the sum 1,00,000 intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance

of an estate from Z to A, with the intention of selling the estate to B and thereby of obtaining from B the purchase-money. A has committed forgery.

(c) A picks up a cheque on a banker signed by B, payable to bearer, but without any

sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand rupees. A commits forgery.

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the

sum payable and authorises B to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand rupees. B commits forgery.

(e) A draws a bill of exchange on himself in the name of B without B's authority,

intending to discount it as a genuine bill with a banker and intending to take up the bill on its maturity. Here, as A draws the bill with intent to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.

(f) Z's will contains these words—"I direct that all my remaining property be equally

divided between A, B and C." A dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.

(g) A endorses a Government promissory note and makes it payable to Z or his order

by writing on the bill the words "Pay to Z or his order" and signing the endorsement. B dishonestly erases the words "Pay to Z or his order", and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate,

executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee named by Z,

and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(j) A writes a letter and signs it with B's name without B's authority, certifying that A is

a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and

other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.⁵

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(k) A without B's authority writes a letter and signs it in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery inasmuch as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an express or implied contract for service.

Explanation 1.—A man's signature of his own name may amount to forgery. Illustrations.

(a) A signs his own name to a bill of exchange, intending that it may be believed that

the bill was drawn by another person of the same name. A has committed forgery.

(b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in

order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and

negotiate the bill as though it had been accepted by Z. A is guilty of forgery; and if B, knowing the fact, draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(c) A picks up a bill of exchange payable to the order of a different person of the same

name. A endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable; here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B. B, after the

seizure of the estate, in collusion with Z, executes a lease of the estate, to Z at a nominal rent and for a long period and dates the lease six months prior to the seizure, with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.

(e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and

with intent to defraud his creditors; and in order to give a colour to the transaction, writes a promissory note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2.—The making of a false document in the name of a fictitious person,

intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

Illustration.

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

Explanation 3.—For the purposes of this section, the expression "affixing electronic

signature" shall have the meaning assigned to it in clause (d) of sub-section (1) of section 2

of the Information Technology Act, 2000.

334. (1) Whoever makes any false document or false electronic record or part of a

document or electronic record, with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

(2) Whoever commits forgery shall be punished with imprisonment of either description

for a term which may extend to two years, or with fine, or with both.

(3) Whoever commits forgery, intending that the document or electronic record forged

shall be used for the purpose of cheating, shall be punished with imprisonment of either

description for a term which may extend to seven years, and shall also be liable to fine.

Forgery. 21 of 2000. 5

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(4) Whoever commits forgery, intending that the document or electronic record forged

shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either

description for a term which may extend to three years, and shall also be liable to fine.

335. Whoever forges a document or an electronic record, purporting to be a record or

proceeding of or in a Court or an identity document issued by Government including voter identity card or Aadhaar Card, or a register of birth, marriage or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation. —For the purposes of this section, "register" includes any list, data or

record of any entries maintained in the electronic form as defined in clause (r) of sub-section (1)

of section 2 of the Information Technology Act, 2000.

336. Whoever forges a document which purports to be a valuable security or a will, or

an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquaintance or receipt acknowledging the payment of money, or an acquaintance or receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

337. Whoever has in his possession any document or electronic record, knowing the same to be forged and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document or electronic record is one of the description mentioned in section 335 of this Sanhita, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in section 336, shall be punished with imprisonment for life, or with imprisonment of either description, for a term which may extend to seven years, and shall also be liable to fine.

338. (1) A false document or electronic record made wholly or in part by forgery is

designated "a forged document or electronic record".

(2) Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record.

339. (1) Whoever makes or counterfeits any seal, plate or other instrument for making

an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 336 of this Sanhita, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever makes or counterfeits any seal, plate or other instrument for making an

impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than section 336, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(3) Whoever possesses any seal, plate or other instrument knowing the same to be

counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. Forgery of record of Court or of public register, etc.

Forgery of

valuable security, will, etc.

Having

possession of document described in section 335 or 336, knowing it to be forged and intending to use it as genuine. 21 of 2000.

Forged

document or electronic record and using it as genuine.

Making or

possessing counterfeit seal, etc., with intent to commit forgery punishable under section 336.5

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(4) Whoever fraudulently or dishonestly uses as genuine any seal, plate or other

instrument knowing or having reason to believe the same to be counterfeit, shall be punished in the same manner as if he had made or counterfeited such seal, plate or other instrument.

340. (1) Whoever counterfeits upon, or in the substance of, any material, any device

or mark used for the purpose of authenticating any document described in section 336 of this Sanhita, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who, with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever counterfeits upon, or in the substance of, any material, any device or

mark used for the purpose of authenticating any document or electronic record other than the documents described in section 336 of this Sanhita, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

341. Whoever fraudulently or dishonestly, or with intent to cause damage or injury to

the public or to any person, cancels, destroys or defaces, or attempts to cancel, destroy or deface, or secretes or attempts to secrete any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or commits mischief in respect of such document, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

342. Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, wilfully, and with intent to defraud, destroys, alters, mutilates or falsifies any book, electronic record, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully, and with intent to defraud, makes or abets the making of any false entry in, or omits or alters or abets the omission or alteration of any material particular from or in, any such book, electronic record, paper, writing, valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation.- It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud, or any particular day on which the offence was committed.

Of Property marks

343. (1) A mark used for denoting that movable property belongs to a particular person is called a property mark.

(2) Whoever marks any movable property or goods or any case, package or other receptacle containing movable property or goods, or uses any case, package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.

(3) Whoever uses any false property mark shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. Counterfeiting device or mark used for authenticating documents described in section 336, or possessing counterfeit marked material.

Fraudulent

cancellation, destruction, etc., of will, authority to adopt, or valuable security.

Falsification

of accounts.

Property

mark. 5

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344. Whoever removes, destroys, defaces or adds to any property mark, intending or

knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

345. (1) Whoever counterfeits any property mark used by any other person shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(2) Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the property is of a particular quality or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

346. Whoever makes or has in his possession any die, plate or other instrument for the purpose of counterfeiting a property mark, or has in his possession a property mark for the purpose of denoting that any goods belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

347. Whoever sells, or exposes, or has in possession for sale, any goods or things with a counterfeit property mark affixed to or impressed upon the same or to or upon any case, package or other receptacle in which such goods are contained, shall, unless he proves—

(a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no

reason to suspect the genuineness of the mark; and

(b) that, on demand made by or on behalf of the prosecutor, he gave all the

information in his power with respect to the persons from whom he obtained such goods or things; or

(c) that otherwise he had acted innocently, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

348. (1) Whoever makes any false mark upon any case, package or other receptacle containing goods, in a manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that it does not contain goods which it does contain, or that the goods contained in such receptacle are of a nature or quality different from the real nature or quality thereof, shall, unless he proves that he acted without intent to

defraud, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

(2) Whoever makes use of any false mark in any manner prohibited under sub-section (1)

shall, unless he proves that he acted without intent to defraud, be punished as if he had committed the offence under sub-section (1).

CHAPTER XIX

O

F CRIMINAL INTIMIDATION , INSULT , ANNOYANCE , DEFAMATION , ETC.

349. (1) Whoever threatens by any means, another with any injury to his person,

reputation or property, or to the person or reputation of any one in whom that person is

interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal

intimidation. Tampering

with property mark with intent to cause injury.

Counterfeiting

a property mark.

Making or

possession of any instrument for counterfeiting a property mark.

Selling goods

marked with a counterfeit property mark.

Making a false

mark upon any receptacle containing goods.

Criminal

intimidation. 5

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Explanation. -A threat to injure the reputation of any deceased person in whom the

person threatened is interested, is within this section.

Illustration.

A, for the purpose of inducing B to resist from prosecuting a civil suit, threatens to

burn B's house. A is guilty of criminal intimidation.

(2) Whoever commits the offence of criminal intimidation shall be punished with

imprisonment of either description for a term which may extend to two years, or with fine, or

with both.

(3) Whoever commits the offence of criminal intimidation by treating to cause death

or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence

punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(4) Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence under sub-section (1).

350. Whoever intentionally insults in any manner, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

351. (1) Whoever makes, publishes or circulates any statement, false information,

rumour, or report, including through electronic means—

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence

against the State or against the public tranquility; or

(c) with intent to incite, or which is likely to incite, any class or community of

persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever makes, publishes or circulates any statement or report containing false information, rumour or alarming news, including through electronic means, with intent to

create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or

castes or communities shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) Whoever commits an offence specified in sub-section (2) in any place of worship

or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine. Intentional insult with intent to provoke breach of peace.

Statements

conducing to public mischief. 5

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Exception . -It does not amount to an offence, within the meaning of this section,

when the person making, publishing or circulating any such statement, false information ,

rumour or report, has reasonable grounds for believing that such statement, false information, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.

352. Whoever voluntarily causes or attempts to cause any person to do anything

which that person is not legally bound to do, or to omit to do anything

which he is legally entitled to do, by inducing or attempting to induce

that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of Divine displeasure if he does not do the thing which it is the object of

the offender to cause him to do, or if he does the thing which it is the

object of the offender to cause him to omit, shall be punished with

imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Illustrations.

(a) A sits dharna at Z's door with the intention of causing it to be believed that, by so

sitting, he renders Z an object of Divine displeasure. A has committed the offence defined in this section.

(b) A threatens Z that, unless Z performs a certain act, A will kill one of A's own

children, under such circumstances that the killing would be believed to render Z an object of Divine displeasure. A has committed the offence

defined in this section.

353. Whoever, in a state of intoxication, appears in any public place, or in any place

which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple

imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to one thousand rupees, or with both or with community

service.

Of Defamation

354. (1) Whoever, by words either spoken or intended to be read, or by signs or by

visible representations, makes or publishes in any manner, any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

Explanation 1.—It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2.—It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3.—An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.—No imputation is said to harm a person's reputation, unless that

imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations.

(a) A says— "Z is an honest man; he never stole B's watch"; intending to cause it to

be believed that Z did steal B's watch. This is defamation, unless it falls within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed

that Z stole B's watch. This is defamation, unless it falls within one of the exceptions. Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure.

Misconduct in

public by a drunken person.

Defamation. 5

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(c) A draws a picture of Z running away with B's watch, intending it to be believed that

Z stole B's watch. This is defamation, unless it falls within one of the exceptions.

Exception 1.— It is not defamation to impute anything which is true concerning any

person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Exception 2.— It is not defamation to express in good faith any opinion whatever

respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

Exception 3.— It is not defamation to express in good faith any opinion whatever

respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

Illustration.

It is not defamation in A to express in good faith any opinion whatever respecting Z's

conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

Exception 4.—It is not defamation to publish substantially true report of the

proceedings of a Court, or of the result of any such proceedings.

Explanation .—A Magistrate or other officer holding an enquiry in open Court

preliminary to a trial in a Court, is a Court within the meaning of the above section.

Exception 5.—It is not defamation to express in good faith any opinion whatever

respecting the merits of any case, civil or criminal, which has been decided by a Court, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

Illustrations.

(a) A says— "I think Z's evidence on that trial is so contradictory that he must be

stupid or dishonest." A is within this exception if he says this in good faith, inasmuch as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(b) But if A says— "I do not believe what Z asserted at that trial because I know him to

be a man without veracity"; A is not within this exception, inasmuch as the opinion which expresses of Z's character, is an opinion not founded on Z's conduct as a witness.

Exception . 6—It is not defamation to express in good faith any opinion respecting the

merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation .—A performance may be submitted to the judgment of the public expressly

or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations.

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.⁵

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(d) A says of a book published by Z—"Z's book is foolish; Z must be a weak man. Z's

book is indecent; Z must be a man of impure mind." A is within the exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only

so far as it appears in Z's book, and no further.

(e) But if A says "I am not surprised that Z's book is foolish and indecent, for he is a

weak man and a libertine." A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

Exception 7.—It is not defamation in a person having over another any authority,

either conferred by law or arising out of a lawful contract made with that other, to pass in

good faith any censure on the conduct of that other in matters to which such lawful authority

relates.

Illustration.

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court;

a head of a department censuring in good faith those who are under his orders, a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose

authority is derived from a parent, censuring in good faith a pupil in the presence of other

pupils; a master censuring a servant in good faith for remissness in

service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier— are within this exception.

Exception 8.—It is not defamation to prefer in good faith an accusation against any

person to any of those who have lawful authority over that person with respect to the

subject-matter of accusation.

Illustration.

If A in good faith accuses Z before a Magistrate; if A in good faith complains of the

conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father—A is within this exception.

Exception 9.— It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.

Illustrations.

(a) A, a shopkeeper, says to B, who manages his business—"Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(b) A, a Magistrate, in making a report to his own superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception.

Exception 10.— It is not defamation to convey a caution, in good faith, to one person

against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

(2) Whoever defames another shall be punished with simple imprisonment for a term

which may extend to two years, or with fine, or with both or with community service.

(3) Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

(4) Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

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Of breach of contract to attend on and supply wants of helpless person.
355. Whoever, being bound by a lawful contract to attend on or to supply the wants

of any person who, by reason of youth, or of mental illness, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

356. (1) The Indian Penal Code is hereby repealed.

(2) Notwithstanding the repeal of the Code referred to in sub-section (1), it shall not affect,—

(a) the previous operation of the Code so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Code so repealed; or

(c) any penalty, or punishment incurred in respect of any offences committed against the Code so repealed; or

(d) any investigation or remedy in respect of any such penalty, or punishment; or

(e) any proceeding, investigation or remedy in respect of any such penalty or punishment as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if that Code had not been repealed.

(3) Notwithstanding such repeal, anything done or any action taken under the said Code shall be deemed to have been done or taken under the corresponding provisions of this Sanhita.

(4) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of the repeal. Breach of contract to attend on and supply wants of helpless person.

Repeal and

savings. 45 of 1860.

10 of 1897. 5

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25 STATEMENT OF OBJECTS AND REASONS

In the year 1834, the first Indian Law Commission was constituted under the Chairman-

ship of Lord Thomas Babington Macaulay to examine the jurisdiction, power and rules of the existing Courts as well as the police establishments and the laws in force in India.

4. The Commission suggested various enactments to the Government. One of the

important recommendations made by the Commission was on, Indian Penal Code which was enacted in 1860 and the said Code is still continuing in the country with some amendments made thereto from time to time.

5. The Government of India considered it expedient and necessary to review the

existing criminal laws with an aim to strengthen law and order and also focus on simplifying legal procedure so that ease of living is ensured to the common man. The Government also considered to make existing laws relevant to the contemporary situation and provide speedy justice to common man. Accordingly, various stakeholders were consulted keeping in mind contemporary needs and aspirations of the people and with a view to

create a legal structure which is citizen centric and to secure life and liberty of the citizens.

6. Now, it is proposed to enact a new law, namely, the Bharatiya Nyaya Sanhita Bill,

2023 by repealing the Indian Penal Code to streamline provisions relating to offences and penalties. It is proposed to provide first time community service as one of the punishments for petty offences. The offences against women and children, murder and offences against the State have been given precedence. The various offences have been made gender neutral. In order to deal effectively with the problem of organised crimes and terrorist activities, new offences of terrorist acts and organised crime have been added in the Bill with deterrent punishments. A new offence on acts of secession, armed rebellion, subversive activities, separatist activities or endangering sovereignty or unity and integrity of India has also been added. The fines and punishment for various offences have also been suitably enhanced.

7. The Notes on Clauses explain the various provisions of the Bill.

The Bill seeks to achieve the above objectives.

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EW DELHI; AMIT SHAH.

The 9th August , 2023.

103 NOTES ON CLAUSES

Clause 1 of the Bill seeks to provide short title, commencement and application of the proposed legislation.

Clause 2 of the Bill seeks to define certain words and expressions used in the proposed legislation such as act, omission, counterfeit, dishonestly, gender, good faith, offence, voluntarily, etc.

Clause 3 of the Bill seeks to provide general explanations and expressions enumerated

in the proposed legislation subject to the exceptions contained in the "General Exceptions", Chapter.

Clause 4 of the Bill seeks to provide punishments for various offences provided under the provisions of the proposed Bill.

Clause 5 of the Bill seeks to empower the appropriate Government to commute the sentence of death or imprisonment for life.

Clause 6 of the Bill seeks to provide fractions of terms of punishment of imprisonment

for life as equivalent to twenty years unless otherwise provided.

Clause 7 of the Bill seeks to provide for sentence which may be either wholly or partly rigorous or simple.

Clause 8 of the Bill seeks to provide for amount of fine in default of payment of fine and

imprisonment in default of payment of fine.

Clause 9 of the Bill seeks to provide for the limit of punishment for several offences.

Clause 10 of the Bill seeks to provide for lowest punishment provided for an offence

where it is doubtful among the commission of several offences.

Clause 11 of the Bill seeks to provide the power to court for solitary confinement.

Clause 12 of the Bill seeks to provide for limit of solitary confinement in certain cases.

Clause 13 of the Bill seeks to provide for enhanced punishment for certain offences

after previous conviction.

Clause 14 of the Bill seeks to exempt a person who acts by mistake of fact and not by

mistake of law in good faith believing himself to be bound by law to do it.

Clause 15 of the Bill seeks to provide that nothing is an offence which is done by a

Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

Clause 16 of the Bill seeks to exempt a person from an offence when acting under a

judgment or order notwithstanding that the Court had no jurisdiction to pass such judgment or order, provided the person doing the act in good

faith believes that the Court had such

jurisdiction.

Clause 17 of the Bill seeks to provide that nothing is an offence which is done by any

person who is justified by law, or who by reason of a mistake of fact and not by reason of a

mistake of law in good faith, believes himself to be justified by law, in doing it.

Clause 18 of the Bill seeks to provide that nothing is an offence which is done by

accident or misfortune, and without any criminal intention or knowledge in the doing of a

lawful act in a lawful manner by lawful means and with proper care and caution.

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Clause 19 of the Bill seeks to provide that nothing is an offence merely by reason of its

being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for

the purpose of preventing or avoiding other harm to person or property.

Clause 20 of the Bill seeks to provide that nothing is an offence which is done by a

child under seven years of age.

Clause 21 of the Bill seeks to provide that nothing is an offence which is done by a

child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and

consequences of his conduct on that occasion.

Clause 22 of the Bill seeks to provide that nothing is an offence which is done by a

person who, at the time of doing it, by reason of mental illness, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

Clause 23 of the Bill seeks to provide that nothing is an offence which is done by a

person under intoxication unless that the thing which intoxicated him was administered to him without his knowledge or against his will.

Clause 24 of the Bill seeks to provide that in cases where an act done is not an offence

unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

Clause 25 of the Bill seeks to provide that nothing is an offence which is not intended

to cause death, or grievous hurt when the harm done with consent of a person above eighteen years of age whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Clause 26 of the Bill seeks to provide that nothing is an offence when the act not

intended to cause death done by consent in good faith and for persons' benefit.

Clause 27 of the Bill seeks to provide that nothing is an offence when an act is done

in good faith for benefit of child or person with mental illness, by or by consent of guardian.

Clause 28 of the Bill seeks to provide that the consent is not a consent as intended by

the proposed legislation when it is given under fear or misconception or by a person under twelve years of age.

Clause 29 of the Bill seeks to provide that exceptions in sections 21, 22 and 23 do not

extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Clause 30 of the Bill seeks to provide that nothing is an offence when act done in

good faith for benefit of a person without consent if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit.

Clause 31 of the Bill seeks to provide that no communication made in good faith is an

offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

Clause 32 of the Bill seeks to provide that nothing is an offence done by a person

except murder, and offences against the State punishable with death, which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence.¹⁰⁶

Clause 33 of the Bill seeks to provide that nothing is an offence by reason that it

causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

Clause 34 of the Bill seeks to provide that nothing is an offence which is done in the

exercise of the right of private defence.

Clause 35 of the Bill seeks to provide that every person has a right of private defence

of the body and of property subject to the restrictions contained in the Bill.

Clause 36 of the Bill seeks to provide that nothing is an offence, when an act is done

in exercise of right of private defence, due to want of maturity of understanding, the mental illness or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, however, every person has the same right of private defence against that act which he would have if the act were that offence.

Clause 37 of the Bill seeks to provide certain acts against which the right of private

defence does not extend.

Clause 38 of the Bill seeks to provide for certain circumstances where the right of

private defence of the body extends to causing death.

Clause 39 of the Bill seeks to provide for certain circumstances when the right of

taking private defence extends to causing harm other than death.

Clause 40 of the Bill seeks to provide that the right to private defence of the body

starts as soon as reasonable apprehension of danger to the body arises and continues as long as such apprehension continues.

Clause 41 of the Bill seeks to provide for certain circumstances when the right of

private defence of property extends to causing death.

Clause 42 of the Bill seeks to provide the circumstances when the right of private

defence of property extends to causing any harm other than death.

Clause 43 of the Bill seeks to provide that the right of private defence of property

starts as soon as reasonable apprehension of danger to the property commences and continues as long as such apprehension continues.

Clause 44 of the Bill seeks to provide that if in the exercise of the right of private

defence against an assault which reasonably causes the apprehension of death and the defender is so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Clause 45 of the Bill seeks to provide the meaning of abetment to mean that instigation

by any person to do a thing, or engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing, intentionally aids, by any act or illegal omission, the doing of that thing.

Clause 46 of the Bill seeks to provide that a person abets an offence, who abets either

the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Clause 47 of the Bill seeks to provide that a person abets an offence within the

meaning of this Sanhita who, in India, abets the commission of any act without and beyond India which would constitute an offence if committed in India.

Clause 48 of the Bill seeks to provide that a person abets an offence within the

meaning of this Sanhita who, without and beyond India, abets the commission of any act in India which would constitute an offence if committed in India.¹⁰⁷

Clause 49 of the Bill seeks to provide for the punishment of abetment if the act abetted

is committed in consequence and where no express provision is made for its punishment.

Clause 50 of the Bill seeks to provide that punishment of abetment if person abetted

does act with different intention from that of abettor.

Clause 51 of the Bill seeks to provide that when an Act is abetted and a different act

is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it, provided that the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Clause 52 of the Bill seeks to provide that if the act for which the abettor is liable under

section 51 is committed in addition to the act abetted, and constitute a distinct offence, the abettor is liable to punishment for each of the offences.

Clause 53 of the Bill seeks to provide that liability of abettor for an effect caused by

the act abetted different from that intended by the abettor.

Clause 54 of the Bill seeks to provide that whenever any person, who is absent would

be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is

committed, he shall be deemed to have committed such act or offence.

Clause 55 of the Bill seeks to provide that when no express provision is made under

this Sanhita for the punishment of abetment relating to an offence punishable with death or imprisonment for life, the person shall be punished with imprisonment which may extend to seven years, and also liable to fine.

Clause 56 of the Bill seeks to provide that if the offence abetment is not committed

and no express provision is made for punishment, he shall be punished for imprisonment provided for that purpose for a term which may extend to one fourth part of the longest term provided for that offence or with fine provided for that offence.

Clause 57 of the Bill seeks to provide that whoever abets the commission of an

offence by the public generally or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to seven years and with fine.

Clause 58 of the Bill seeks to provide that concealing design to commit offence

punishable with death or imprisonment for life.

Clause 59 of the Bill seeks to provide for punishment to the public servant for

concealing design of offence and thereby intending to facilitate such offence which it is his duty as such public servant to prevent the said offence.

Clause 60 of the Bill seeks to provide for punishment where a person intending to

facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design.

Clause 61 of the Bill seeks to provide that when two or more persons agree to do, or

cause to be done an illegal act, or an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy.

Clause 62 of the Bill seeks to provide for punishment for attempting to commit

offences, which is punishable with imprisonment for life or other imprisonment, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both.¹⁰⁸

Clause 63 of the Bill seeks to provide for definition of rape and various circumstances

under which the offence shall be treated as rape.

Clause 64 of the Bill seeks to provide for punishment for rape when committed by

persons such as police officer, public servant, being a member of armed forces, staff of jail

etc., which may extend to for a term which shall not be less than ten years but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Clause 65 of the Bill seeks to provide for punishment for rape in certain cases such as

woman under sixteen years of age.

Clause 66 of the Bill seeks to provide for punishment for rape, if in the course of

commission of rape inflicts an injury which causes the death of the woman or causes the woman to be in a persistent vegetative state, with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, or with death.

Clause 67 of the Bill seeks to provide for punishment of a person to two years which

may extend to seven years and also liable for fine if such person commits sexual intercourse

with his own wife during separation whether under a decree of separation or otherwise, without her consent.

Clause 68 of the Bill seeks to provide for punishment of rape, when committed by a

person who is in a position of authority such as public servant, superintendent or manager of jail, staff under the management of hospital etc., for term which shall not less than five

years but may extend to ten years and also with fine.

Clause 69 of the Bill seeks to provide that whoever, by deceitful means or making by

promise to marry to a woman without any intention of fulfilling the same, and has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Clause 70 of the Bill seeks to provide for punishment for gang rape, by one or more

persons, to rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine and also provide for punishment for imprisonment for life or with death when a gang rape is committed with a woman under eighteen years of age.

Clause 71 of the Bill seeks to provide for punishment for a repeat offender, previously

convicted of an offence punishable under section 63 or section 64 or section 65 or section 66

or section 67 and is subsequently convicted for said sections, with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.

Clause 72 of the Bill seeks to provide for punishment to offender who prints or

publishes, the name or any matter which may make known the identity of any person against whom an offence under section 63 or section 64 or section 65 or section 66 or section 67 or

section 68 is alleged or found to have been committed (hereafter in this section referred to as

the victim), with imprisonment of either description for a term which may extend to two years and shall also be liable to fine subject to certain conditions.

Clause 73 of the Bill seeks to provide for punishment for assaults or uses criminal

force, to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, with imprisonment of either

description for a term which shall not be

less than one year but which may extend to five years, and shall also be liable to fine.

Clause 74 of the Bill seeks to provide punishment for sexual harassment, such as

physical contact and advances involving unwelcome and explicit sexual overtures; or a demand or request for sexual favours; or showing

pornography against the will of a woman; 109

with rigorous imprisonment for a term which may extend to three years, or with fine, or with

both and for making sexually coloured remarks, with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Clause 75 of the Bill seeks to provide that whoever assaults or uses criminal force to

any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

Clause 76 of the Bill seeks to provide for punishment for voyeurism, such as watching

or capturing the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person, at the behest of the perpetrator or disseminates such image and punishment thereof.

Clause 77 of the Bill seeks to provide for stalking such as follows a woman and

contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; etc., and punishment thereof.

Clause 78 of the Bill seeks to provide for punishment for intending to insult the

modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object in any form, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, with simple imprisonment for a term which may extend to three years, and also with fine.

Clause 79 of the Bill seeks to provide punishment for dowry death, which shall be with

imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

Clause 80 of the Bill seeks to provide punishment for cohabitation or sexual intercourse

by a man deceitfully inducing a woman to belief of lawful marriage, with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Clause 81 of the Bill seeks to provide that whoever, having a husband or wife living,

marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Clause 82 of the Bill seeks to provide that whoever, dishonestly or with a fraudulent

intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Clause 83 of the Bill seeks to provide that whoever takes or entices away any woman

who is and whom he knows or has reason to believe to be the wife of any other man, with intent that she may have illicit intercourse with any

person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Clause 84 of the Bill seeks to provide that whoever, being the husband or the relative

of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Clause 85 of the Bill seeks to provide for punishment for kidnapping abducting or

inducing woman to compel her marriage against her will for illicit intercourse, with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Clause 86 of the Bill seeks to provide for punishment for causing voluntary miscarriage

if not caused for good faith for the purpose of saving the life of the woman, with imprisonment for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.¹¹⁰

Clause 87 of the Bill seeks to provide punishment for miscarriage without consent of

woman, for a term which may extend to ten years and also for fine.

Clause 88 of the Bill seeks to provide that punishment whoever, with intent to cause

the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and when done without the consent of woman with imprisonment for life or which may extend to ten years or with fine.

Clause 89 of the Bill seeks to provide that whoever before the birth of any child does

any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Clause 90 of the Bill seeks to provide that whoever does any act under such

circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Clause 91 of the Bill seeks to provide that whoever being the father or mother of a

child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Clause 92 of the Bill seeks to provide that whoever, by secretly burying or otherwise

disposing of the dead body of a child whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

Clause 93 of the Bill seeks to provide that whoever hires, employs or engages any person below the age of eighteen years to commit an offence shall be punished with imprisonment of either description or fine provided for that offence as if the offence has been committed by such person himself.

Clause 94 of the Bill seeks to provide that whoever, by any means whatsoever, induces any child below the age of eighteen years to go from any place or to do any act with intent that such child below the age of eighteen years may be, or knowing that it is likely that such child will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

Clause 95 of the Bill seeks to provide that whoever kidnaps or abducts any child

under the age of ten years with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Clause 96 of the Bill seeks to provide that whoever sells, lets to hire, or otherwise

disposes of child below eighteen years of age with intent that such child shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Clause 97 of the Bill seeks to provide that whoever buys, hires or otherwise obtains

possession of any child below the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child will

at any age be employed or used for any such purpose, shall be punished with imprisonment

of either description for a term which shall not be less than seven years but which may extend to fourteen years, and shall also be liable to fine.

Clause 98 of the Bill seeks to provide that whoever causes death by doing an act with

the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Clause 99 of the Bill seeks to provide various circumstances under which the culpable homicide is murder.

Clause 100 of the Bill seeks to define culpable homicide by causing death of person

other than person whose death was intended.

Clause 101 of the Bill seeks to provide punishment for murder which shall be death or

imprisonment for life, and also fine. Sub-Clause (2) further provides that when a murder is

committed by a group of five or more persons acting in concert on the ground of race, caste or community, sex, place of birth, language, personal belief or any other ground each member of such group shall be punished with death or with imprisonment for life or imprisonment for a term which shall not be less than seven years and shall also be liable to fine.

Clause 102 of the Bill seeks to provide that whoever, being under sentence of

imprisonment for life, commits murder, shall be punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life.

Clause 103 of the Bill seeks to provide the punishment for culpable homicide not amounting to murder.

Clause 104 of the Bill seeks to provide that whoever causes the death of any person by

doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine. It further provides that whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide and escapes from the scene of incident or fails to report the incident to a Police officer or Magistrate soon after the incident, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Clause 105 of the Bill seeks to provide that if any person under eighteen years of age,

with mental illness, any delirious person or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

Clause 106 of the Bill seeks to provide that if any person commits suicide, whoever

abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Clause 107 of the Bill seeks to provide punishment for attempt to murder and if by that

death is caused, he would be guilty of murder and shall be punished with imprisonment which may extend to ten years and also for fine and further provides that if hurt is caused by such act the punishment shall be imprisonment for life, or with fine, or with both.

Clause 108 of the Bill seeks to define attempt to commit culpable homicide not

amounting to murder and provides for punishment which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Clause 109 of the Bill seeks to define organised crime to mean that continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing,¹¹² economic offences, cyber-crimes having severe consequences, trafficking in people, drugs etc., and punishment thereof.

Clause 110 of the Bill seeks to define petty organised crime as any crime that causes general feelings of insecurity among citizens relating to theft of vehicle or theft from vehicle, domestic and business theft, trick theft, cargo crime, theft (attempt to theft, theft of personal property), etc., and punishment thereof.

Clause 111 of the Bill seeks to provide that a terrorist act shall mean using bombs,

dynamite or other explosive substance to cause damage or loss due to damage or destruction of property or to cause extensive interference with, damage or destruction to critical infrastructure, etc., with the intention to threaten the unity, integrity and security of India, to intimidate the general public or a segment thereof, or to disturb public order.

Clause 112 of the Bill seeks to provide whoever causes bodily pain, disease or

infirmity to any person is said to cause hurt.

Clause 113 of the Bill seeks to define voluntarily causing hurt and punishment thereof.

Clause 114 of the Bill seeks to provide that hurt namely, emasculation, permanent

privation of the sight of either eye, permanent privation of the hearing of either ear privation of any member or joint, destruction or permanent impairing of the powers of any member or joint, permanent disfiguration of the head or face, fracture or dislocation of a bone or tooth, and any hurt which endangers life or which causes the sufferer to be during the space of fifteen days in severe bodily pain, or unable to follow his ordinary pursuits are grievous hurt.

Clause 115 of the Bill seeks to define voluntarily causing grievous hurt and punishment thereof.

Clause 116 of the Bill seeks to define voluntarily causing hurt or grievous hurt by

dangerous weapons or means and punishment thereof.

Clause 117 of the Bill seeks to define voluntarily causing hurt or grievous hurt to

extort property, or to constrain to an illegal to an act and punishment thereof.

Clause 118 of the Bill seeks to define voluntarily causing hurt or grievous hurt to

extort confession, or to compel restoration of property and punishment thereof.

Clause 119 of the Bill seeks to define voluntarily causing hurt or grievous hurt to

deter public servant from his duty and punishment thereof.

Clause 120 of the Bill seeks to define voluntarily causing hurt or grievous hurt on

provocation and punishment thereof.

Clause 121 of the Bill seeks to define causing hurt by means of poison, etc., with

intent to commit an offence and punishment thereof.

Clause 122 of the Bill seeks to define voluntarily causing grievous hurt by use of acid,

etc., and punishment thereof.

Clause 123 of the Bill seeks to define act endangering life or personal safety of others

and punishment thereof.

Clause 124 of the Bill seeks to define wrongful restraint and punishment thereof.

Clause 125 of the Bill seeks to define wrongful confinement and punishment thereof

.Clause 126 of the Bill seeks to define force.

Clause 127 of the Bill seeks to define criminal force.

Clause 128 of the Bill seeks to define assault.

Clause 129 of the Bill seeks to provide punishment for assault or criminal force

otherwise than on grave provocation.¹¹³

Clause 130 of the Bill seeks to provide punishment for assault or criminal force to

deter public servant from discharge of his duty.

Clause 131 of the Bill seeks to provide punishment for assault or criminal force with

intent to dishonour person, otherwise than on grave provocation.

Clause 132 of the Bill seeks to provide punishment assault or criminal force in attempt

to commit theft of property carried by a person.

Clause 133 of the Bill seeks to provide punishment assault or criminal force in attempt

wrongfully to confine a person.

Clause 134 of the Bill seeks to provide punishment assault or criminal force on grave

provocation.

Clause 135 of the Bill seeks to define kidnapping and punishment thereof.

Clause 136 of the Bill seeks to provide that whoever by force compels, or by any

deceitful means induces, any person to go from any place, is said to abduct that person.

Clause 137 of the Bill seeks to define kidnapping or maiming a child for purposes of

begging and punishment thereof.

Clause 138 of the Bill seeks to provide for kidnapping or abducting in order to murder

or for ransom, etc., and punishment thereof.

Clause 139 of the Bill seeks to provide for importation of girl or boy from foreign

country and punishment thereof.

Clause 140 of the Bill seeks to provide for wrongfully concealing or keeping in

confinement, kidnapped or abducted person punishment thereof.

Clause 141 of the Bill seeks to provide for trafficking of person and punishment thereof.

Clause 142 of the Bill seeks to provide for exploitation of a trafficked person and punishment thereof.

Clause 143 of the Bill seeks to provide for habitual dealing in slaves and punishment thereof.

Clause 144 of the Bill seeks to provide for unlawful compulsory labour and punishment thereof.

Clause 145 of the Bill seeks to provide for waging, or attempting to wage war, or abetting waging of war, against the Government of India and punishment thereof.

Clause 146 of the Bill seeks to provide for conspiracy to commit offences punishable by section 145 and punishment thereof.

Clause 147 of the Bill seeks to provide for collecting arms, etc., with intention of

waging war against the Government of India and punishment thereof.

Clause 148 of the Bill seeks to provide for concealing with intent to facilitate design

to wage war and punishment thereof.

Clause 149 of the Bill seeks to provide for assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power and punishment thereof.

Clause 150 of the Bill seeks to provide for acts endangering sovereignty unity and integrity of India and punishment thereof.

Clause 151 of the Bill seeks to provide for waging war against Government of any

foreign State at peace with the Government of India and punishment thereof.

Clause 152 of the Bill seeks to provide for committing depredation on territories of

foreign State at peace with the Government of India and punishment thereof.¹¹⁴

Clause 153 of the Bill seeks to provide for receiving property taken by war or

depredation mentioned in sections 151 and 152 and punishment thereof.

Clause 154 of the Bill seeks to provide for public servant voluntarily allowing

prisoner of state or war to escape and punishment thereof.

Clause 155 of the Bill seeks to provide for public servant negligently suffering such

prisoner to escape and punishment thereof.

Clause 156 of the Bill seeks to provide for aiding escape of, rescuing or harbouring

such prisoner and punishment thereof.

Clause 157 of the Bill seeks to provide for abetting mutiny, or attempting to seduce

a soldier, sailor or airman from his duty and punishment thereof.
 Clause 158 of the Bill seeks to provide for abetment of mutiny, if mutiny is committed in consequence thereof and punishment thereof.
 Clause 159 of the Bill seeks to provide for abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office and punishment thereof.
 Clause 160 of the Bill seeks to provide for abetment of such assault, if the assault committed and punishment thereof.
 Clause 161 of the Bill seeks to provide for abetment of desertion of soldier, sailor or airman and punishment thereof.
 Clause 162 of the Bill seeks to provide for harbouring deserter and punishment thereof.
 Clause 163 of the Bill seeks to provide for deserter concealed on board merchant vessel through negligence of master and punishment thereof.
 Clause 164 of the Bill seeks to provide for abetment of act of insubordination by soldier, sailor or airman and punishment thereof.
 Clause 165 of the Bill seeks to provide that no person subject to the Army Act, 1950, the Indian Navy (Discipline) Act, 1934, the Air Force Act, 1950, shall be subject to punishment under the Bill for any of the offences defined under Chapter VIII.
 Clause 166 of the Bill seeks to provide for wearing garb or carrying token used by soldier, sailor or airman and punishment thereof.
 Clause 167 of the Bill seeks to define "candidate" and "electoral right".
 Clause 168 of the Bill seeks to provide for bribery.
 Clause 169 of the Bill seeks to provide for undue influence at elections.
 Clause 170 of the Bill seeks to provide for personation at elections.
 Clause 171 of the Bill seeks to provide punishment for bribery.
 Clause 172 of the Bill seeks to provide punishment for undue influence or personation at an election.
 Clause 173 of the Bill seeks to provide for false statement in connection with an election and punishment thereof.
 Clause 174 of the Bill seeks to provide for illegal payments in connection with an election and punishment thereof.
 Clause 175 of the Bill seeks to provide for failure to keep election account and punishment thereof.
 Clause 176 of the Bill seeks to provide for counterfeiting coin, government stamps, currency-notes or bank-notes and punishment thereof.115

Clause 177 of the Bill seeks to provide for using as genuine, forged or counterfeit coin, Government stamp, currency-notes or bank-notes and punishment thereof.

Clause 178 of the Bill seeks to provide for possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes and punishment thereof.

Clause 179 of the Bill seeks to provide for making or possessing instruments

or materials for forging or counterfeiting coin, Government stamp, currency notes or bank-notes and punishment thereof.

Clause 180 of the Bill seeks to provide for making or using documents resembling

currency-notes or bank-notes and punishment thereof.

Clause 181 of the Bill seeks to provide for effacing writing from substance bearing

Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government and punishment thereof.

Clause 182 of the Bill seeks to provide for using Government stamp known to have

been before used and punishment thereof.

Clause 183 of the Bill seeks to provide for erasure of mark denoting that stamp has

been used and punishment thereof.

Clause 184 of the Bill seeks to provide for prohibition of fictitious stamps and

punishment thereof.

Clause 185 of the Bill seeks to provide for person employed in mint causing coin to be

of different weight or composition from that fixed by law and punishment thereof.

Clause 186 of the Bill seeks to provide for unlawfully taking coining instrument from

mint and punishment thereof.

Clause 187 of the Bill seeks to provide for unlawful assembly and punishment thereof.

Clause 188 of the Bill seeks to provide for every member of unlawful assembly guilty

of offence committed in prosecution of common object.

Clause 189 of the Bill seeks to provide for rioting and punishment thereof.

Clause 190 of the Bill seeks to provide for want only giving provocation with intent

to cause riot- if rioting be committed; if not committed and punishment thereof.

Clause 191 of the Bill seeks to provide for liability of owner, occupier, etc., of land on

which an unlawful assembly or riot takes place and punishment thereof.

Clause 192 of the Bill seeks to provide for affray and punishment thereof.

Clause 193 of the Bill seeks to provide for assaulting or obstructing public servant

when suppressing riot, etc., and punishment thereof.

Clause 194 of the Bill seeks to provide for promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony and punishment thereof.

Clause 195 of the Bill seeks to provide for imputations, assertions prejudicial to national integration and punishment thereof.

Clause 196 of the Bill seeks to provide for public servant disobeying law, with intent to cause injury to any person and punishment thereof.

Clause 197 of the Bill seeks to provide for public servant disobeying direction under law and punishment thereof.

Clause 198 of the Bill seeks to provide for punishment for non-treatment of victim and punishment thereof.¹¹⁶

Clause 199 of the Bill seeks to provide for public servant framing an incorrect document with intent to cause injury and punishment thereof.

Clause 200 of the Bill seeks to provide for public servant unlawfully engaging in trade and punishment thereof.

Clause 201 of the Bill seeks to provide for public servant unlawfully buying or bidding for property and punishment thereof.

Clause 202 of the Bill seeks to provide for personating a public servant and punishment thereof.

Clause 203 of the Bill seeks to provide for wearing garb or carrying token used by public servant with fraudulent intent and punishment thereof.

Clause 204 of the Bill seeks to provide for absconding to avoid service of summons or other proceeding and punishment thereof.

Clause 205 of the Bill seeks to provide for preventing service of summons or other proceeding, or preventing publication thereof and punishment thereof.

Clause 206 of the Bill seeks to provide for non-attendance in obedience to an order from public servant and punishment thereof.

Clause 207 of the Bill seeks to provide for non-appearance in response to a proclamation under section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and punishment thereof.

Clause 208 of the Bill seeks to provide for omission to produce document to public servant by person legally bound to produce it and punishment thereof.

Clause 209 of the Bill seeks to provide for omission to give notice or information to public servant by person legally bound to give it and punishment thereof.

Clause 210 of the Bill seeks to provide for furnishing false information and punishment thereof.

Clause 211 of the Bill seeks to provide for refusing oath or affirmation when duly required by public servant to make it and punishment thereof.

Clause 212 of the Bill seeks to provide for refusing to answer public servant authorised to question and punishment thereof.

Clause 213 of the Bill seeks to provide for refusing to sign statement and punishment thereof.

Clause 214 of the Bill seeks to provide for false statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation and punishment thereof.

Clause 215 of the Bill seeks to provide for false information, with intent to cause public servant to use his lawful power to the injury of another person and punishment thereof.

Clause 216 of the Bill seeks to provide for resistance to the taking of property by the lawful authority of a public servant and punishment thereof.

Clause 217 of the Bill seeks to provide for obstructing sale of property offered for sale by authority of public servant and punishment thereof.

Clause 218 of the Bill seeks to provide for illegal purchase or bid for property offered for sale by authority of public servant and punishment thereof.

Clause 219 of the Bill seeks to provide for obstructing public servant in discharge of public functions and punishment thereof.

Clause 220 of the Bill seeks to provide for omission to assist public servant when bound by law to give assistance and punishment thereof.¹¹⁷

Clause 221 of the Bill seeks to provide for disobedience to order duly promulgated by public servant and punishment thereof.

Clause 222 of the Bill seeks to provide for threat of injury to public servant and punishment thereof.

Clause 223 of the Bill seeks to provide for threat of injury to induce person to refrain from applying for protection to public servant and punishment thereof.

Clause 224 of the Bill seeks to provide for attempt to commit suicide to compel or restraint exercise of lawful power and punishment thereof.

Clause 225 of the Bill seeks to provide for giving false evidence.

Clause 226 of the Bill seeks to provide for fabricating false evidence.

Clause 227 of the Bill seeks to provide for punishment for false evidence.

Clause 228 of the Bill seeks to provide for giving or fabricating false evidence with intent to procure conviction of capital offence and punishment thereof.

Clause 229 of the Bill seeks to provide for giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment and punishment thereof.

Clause 230 of the Bill seeks to provide for threatening any person to give false evidence and punishment thereof.

Clause 231 of the Bill seeks to provide for using evidence known to be false and punishment thereof.

Clause 232 of the Bill seeks to provide for issuing or signing false certificate and punishment thereof.

Clause 233 of the Bill seeks to provide for using as true a certificate known to be false and punishment thereof.

Clause 234 of the Bill seeks to provide for false statement made in declaration which is by law receivable as evidence and punishment thereof.

Clause 235 of the Bill seeks to provide for using as true such declaration knowing it to be false and punishment thereof.

Clause 236 of the Bill seeks to provide for causing disappearance of evidence of offence, or giving false information to screen offender and punishment thereof.

Clause 237 of the Bill seeks to provide for intentional omission to give information of offence by person bound to inform and punishment thereof.

Clause 238 of the Bill seeks to provide for giving false information respecting an offence committed and punishment thereof.

Clause 239 of the Bill seeks to provide for destruction of document to prevent its production as evidence and punishment thereof.

Clause 240 of the Bill seeks to provide for false personation for purpose of act or proceeding in suit or prosecution and punishment thereof.

Clause 241 of the Bill seeks to provide for fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution and punishment thereof.

Clause 242 of the Bill seeks to provide for fraudulent claim to property to prevent its seizure as forfeited or in execution and punishment thereof.

Clause 243 of the Bill seeks to provide for fraudulently suffering decree for sum not due and punishment thereof.¹¹⁸

Clause 244 of the Bill seeks to provide for dishonestly making false claim in Court and punishment thereof.

Clause 245 of the Bill seeks to provide for fraudulently obtaining decree for sum not due and punishment thereof.

Clause 246 of the Bill seeks to provide for false charge of offence made with intent to injure and punishment thereof.

Clause 247 of the Bill seeks to provide for harbouring offender and punishment thereof.

Clause 248 of the Bill seeks to provide for taking gift, etc., to screen an offender from punishment and punishment thereof.

Clause 249 of the Bill seeks to provide for offering gift or restoration of property in consideration of screening offender and punishment thereof.

Clause 250 of the Bill seeks to provide for taking gift to help to recover stolen property, etc., and punishment thereof.

Clause 251 of the Bill seeks to provide for harbouring offender who has escaped from custody or whose apprehension has been ordered and punishment thereof.

Clause 252 of the Bill seeks to provide for penalty for harbouring robbers or dacoits and punishment thereof.

Clause 253 of the Bill seeks to provide for public servant disobeying direction of law with intent to save person from punishment or property from forfeiture and punishment thereof.

Clause 254 of the Bill seeks to provide for public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture and punishment thereof.

Clause 255 of the Bill seeks to provide for public servant in judicial proceeding corruptly making report, etc., contrary to law and punishment thereof.

Clause 256 of the Bill seeks to provide for commitment for trial or confinement by person having authority who knows that he is acting contrary to law and punishment thereof.

Clause 257 of the Bill seeks to provide for intentional omission to apprehend on the part of public servant bound to apprehend and punishment thereof.

Clause 258 of the Bill seeks to provide for intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed and punishment thereof.

Clause 259 of the Bill seeks to provide for escape from confinement or custody negligently suffered by public servant and punishment thereof.

Clause 260 of the Bill seeks to provide for resistance or obstruction by a person to his lawful apprehension and punishment thereof.

Clause 261 of the Bill seeks to provide for resistance or obstruction to lawful apprehension of another person and punishment thereof.

Clause 262 of the Bill seeks to provide for omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise, provided for and punishment thereof.

Clause 263 of the Bill seeks to provide for resistance or obstruction to lawful

apprehension or escape or rescue in cases not otherwise provided for and punishment thereof.

Clause 264 of the Bill seeks to provide for violation of condition of remission of

punishment and punishment thereof.¹¹⁹

Clause 265 of the Bill seeks to provide for intentional insult or interruption to public

servant sitting in judicial proceeding and punishment thereof.

Clause 266 of the Bill seeks to provide for personation of an assessor and punishment thereof.

Clause 267 of the Bill seeks to provide for failure by person released on bail or bond to

appear in court and punishment thereof.

Clause 268 of the Bill seeks to provide for public nuisance.

Clause 269 of the Bill seeks to provide for negligent act likely to spread infection of

disease dangerous to life and punishment thereof.

Clause 270 of the Bill seeks to provide for malignant act likely to spread infection of

disease dangerous to life and punishment thereof.

Clause 271 of the Bill seeks to provide for disobedience to quarantine rule and

punishment thereof.

Clause 272 of the Bill seeks to provide for adulteration of food or drink intended for

sale and punishment thereof.

Clause 273 of the Bill seeks to provide for sale of noxious food or drink and punishment

thereof.

Clause 274 of the Bill seeks to provide for adulteration of drugs and punishment

thereof.

Clause 275 of the Bill seeks to provide for sale of adulterated drugs and punishment

thereof.

Clause 276 of the Bill seeks to provide for sale of drug as a different drug or preparation

and punishment thereof.

Clause 277 of the Bill seeks to provide for fouling water of public spring or reservoir

and punishment thereof.

Clause 278 of the Bill seeks to provide for making atmosphere noxious to health and

punishment thereof.

Clause 279 of the Bill seeks to provide for rash driving or riding on a public way and

punishment thereof.

Clause 280 of the Bill seeks to provide for rash navigation of vessel and punishment

thereof.

Clause 281 of the Bill seeks to provide for exhibition of false light, mark or buoy and

punishment thereof.

Clause 282 of the Bill seeks to provide for conveying person by water for hire in unsafe or overloaded vessel and punishment thereof.

Clause 283 of the Bill seeks to provide for danger or obstruction in public way or line of navigation and punishment thereof.

Clause 284 of the Bill seeks to provide for negligent conduct with respect to poisonous substance and punishment thereof.

Clause 285 of the Bill seeks to provide for negligent conduct with respect to fire or combustible matter and punishment thereof.

Clause 286 of the Bill seeks to provide for negligent conduct with respect to explosive substance and punishment thereof.

Clause 287 of the Bill seeks to provide for negligent conduct with respect to machinery and punishment thereof.¹²⁰

Clause 288 of the Bill seeks to provide for negligent conduct with respect to pulling down, repairing or constructing buildings, etc., and punishment thereof.

Clause 289 of the Bill seeks to provide for negligent conduct with respect to animal and punishment thereof.

Clause 290 of the Bill seeks to provide punishment for public nuisance in cases not otherwise provided for.

Clause 291 of the Bill seeks to provide for continuance of nuisance after injunction to discontinue and punishment thereof.

Clause 292 of the Bill seeks to provide for sale, etc., of obscene books, etc., and punishment thereof.

Clause 293 of the Bill seeks to provide for sale, etc., of obscene objects to child and punishment thereof.

Clause 294 of the Bill seeks to provide for obscene acts and songs and punishment thereof.

Clause 295 of the Bill seeks to provide for keeping lottery office and punishment thereof.

Clause 296 of the Bill seeks to provide for injuring or defiling place of worship, with intent to insult the religion of any class and punishment thereof.

Clause 297 of the Bill seeks to provide for deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs and punishment thereof.

Clause 298 of the Bill seeks to provide for disturbing religious assembly and punishment thereof.

Clause 299 of the Bill seeks to provide for trespassing on burial places, etc., and

punishment thereof.

Clause 300 of the Bill seeks to provide for uttering words, etc., with deliberate intent to

wound religious feelings and punishment thereof.

Clause 301 of the Bill seeks to define the offence theft and punishment thereof.

Clause 302 of the Bill seeks to define the offence snatching and punishment thereof.

Clause 303 of the Bill seeks to provide for theft in a dwelling house, or means of

transportation or place of worship, etc., and punishment thereof.

Clause 304 of the Bill seeks to provide for theft by clerk or servant of property in

possession of master and punishment thereof.

Clause 305 of the Bill seeks to provide for theft after preparation made for causing

death, hurt or restraint in order to the committing of theft and punishment thereof.

Clause 306 of the Bill seeks to define the offence extortion and punishment thereof.

Clause 307 of the Bill seeks to define the offence robbery and punishment thereof.

Clause 308 of the Bill seeks to define the offence dacoity and punishment thereof.

Clause 309 of the Bill seeks to provide for robbery, or dacoity, with attempt to cause

death or grievous hurt and punishment thereof.

Clause 310 of the Bill seeks to provide for attempt to commit robbery or dacoity when

armed with deadly weapon and punishment thereof.¹²¹

Clause 311 of the Bill seeks to provide for punishment for belonging to gang of

robbers, dacoits, etc.

Clause 312 of the Bill seeks to provide for dishonest misappropriation of property and

punishment thereof.

Clause 313 of the Bill seeks to provide for dishonest misappropriation of property

possessed by deceased person at the time of his death and punishment thereof.

Clause 314 of the Bill seeks to provide for criminal breach of trust under various

circumstances and punishment thereof.

Clause 315 of the Bill seeks to define stolen property and punishment thereof if

received under various circumstances.

Clause 316 of the Bill seeks to define cheating and punishment thereof.

Clause 317 of the Bill seeks to define cheating by personation and punishment thereof.

Clause 318 of the Bill seeks to provide for dishonest or fraudulent removal or

concealment of property to prevent distribution among creditors and punishment thereof.

Clause 319 of the Bill seeks to provide for dishonestly or fraudulently preventing debt being available for creditors and punishment thereof.

Clause 320 of the Bill seeks to provide for dishonest or fraudulent execution of deed of transfer containing false statement of consideration and punishment thereof.

Clause 321 of the Bill seeks to provide for dishonest or fraudulent removal or concealment of property and punishment thereof.

Clause 322 of the Bill seeks to define mischief and punishment thereof.

Clause 323 of the Bill seeks to provide for mischief by killing or maiming animal and punishment thereof.

Clause 324 of the Bill seeks to provide for mischief by injury, inundation, fire or explosive substance, etc., and punishment thereof.

Clause 325 of the Bill seeks to provide for mischief with intent to destroy or make unsafe a rail, aircraft, decked vessel or one of twenty tons burden and punishment thereof.

Clause 326 of the Bill seeks to provide for punishment for intentionally running vessel aground or ashore with intent to commit theft, etc. and punishment thereof.

Clause 327 of the Bill seeks to provide for criminal trespass and house-trespass and punishment thereof.

Clause 328 of the Bill seeks to provide for house-trespass and house-breaking.

Clause 329 of the Bill seeks to provide for punishment for house-trespass or house breaking and punishment thereof.

Clause 330 of the Bill seeks to provide for house-trespass in order to commit offence and punishment thereof.

Clause 331 of the Bill seeks to provide for house-trespass after preparation for hurt, assault or wrongful restraint and punishment thereof.

Clause 332 of the Bill seeks to define dishonestly breaking open receptacle containing property.

Clause 333 of the Bill seeks to define making a false document.

Clause 334 of the Bill seeks to provide for forgery and punishment thereof.

Clause 335 of the Bill seeks to provide for forgery of record of Court or of public register, etc. and punishment thereof.¹²²

Clause 336 of the Bill seeks to provide for forgery of valuable security, will, etc., and punishment thereof.

Clause 337 of the Bill seeks to provide for having possession of document specified in

section 335 or 336, knowing it to be forged and intending to use it as genuine and punishment thereof.

Clause 338 of the Bill seeks to provide for forged document or electronic record and

using it as genuine and punishment thereof.

Clause 339 of the Bill seeks to provide for making or possessing counterfeit seal, etc.,

with intent to commit forgery punishable under section 336 and punishment thereof.

Clause 340 of the Bill seeks to provide for counterfeiting device or mark used for

authenticating documents described in section 336, or possessing counterfeit marked material and punishment thereof.

Clause 341 of the Bill seeks to provide for fraudulent cancellation, destruction, etc., of

will, authority to adopt, or valuable security and punishment thereof.

Clause 342 of the Bill seeks to provide for falsification of accounts and punishment thereof.

Clause 343 of the Bill seeks to provide for property mark and punishment thereof.

Clause 344 of the Bill seeks to provide for tampering with property mark with intent to

cause injury and punishment thereof.

Clause 345 of the Bill seeks to provide for counterfeiting a property mark and punishment thereof.

Clause 346 of the Bill seeks to provide for making or possession of any instrument for

counterfeiting a property mark and punishment thereof.

Clause 347 of the Bill seeks to provide for selling goods marked with a counterfeit

property mark and punishment thereof.

Clause 348 of the Bill seeks to provide for making a false mark upon any receptacle

containing goods and punishment thereof.

Clause 349 of the Bill seeks to provide for criminal intimidation and punishment thereof.

Clause 350 of the Bill seeks to provide for intentional insult with intent to provoke

breach of peace and punishment thereof.

Clause 351 of the Bill seeks to provide for statements conducing to public mischief

and punishment thereof.

Clause 352 of the Bill seeks to provide for act caused by inducing person to believe

that he will be rendered an object of the divine displeasure and punishment thereof.

Clause 353 of the Bill seeks to provide for misconduct in public by a drunken person

and punishment thereof.

Clause 354 of the Bill seeks to define defamation and punishment thereof.

Clause 355 of the Bill seeks to provide for breach of contract to attend on and supply

wants of helpless person and punishment thereof.

Clause 356 of the Bill seeks to provide for repeal and savings of the Indian Penal

Code, 1860.FINANCIAL MEMORANDUM

The Bharatiya Nyaya Sanhita, 2023, if enacted, is not likely to involve any expenditure, either recurring or non-recurring, from and out of the Consolidated Fund of India.

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to consolidate and amend the provisions relating to offences and for matters connected therewith or incidental thereto.

(Shri Amit Shah, Minister of Home Affairs and Cooperation)

MGIPMRND-278LS-10.08.2023.CHAPTER II

O

F PUNISHMENTS

8. The punishments to which offenders are liable under the provisions of this Sanhita

are—

(a) Death;

(b) Imprisonment for life, that is to say, imprisonment for remainder of a person's natural life;

(c) Imprisonment, which is of two descriptions, namely:—

(1) Rigorous, that is, with hard labour;

(2) Simple;

(d) Forfeiture of property;

(e) Fine;

(f) Community Service.

9. In every case in which sentence of,—

(a) death has been passed, the appropriate Government may, without the consent

of the offender, commute the punishment for any other punishment provided by this Sanhita;

(b) imprisonment for life has been passed, the appropriate Government may, without the consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding fourteen years.

Explanation.— For the purposes of this section expression " appropriate Government "

means,—

(a) in cases where the sentence is a sentence of death or is for an offence against

any law relating to a matter to which the executive power of the Union extends, the Central Government; and

(b) in cases where the sentence (whether of death or not) is for an offence

against any law relating to a matter to which the executive power of the State extends, the Government of the State within which the offender is sentenced.

10. In calculating fractions of terms of punishment, imprisonment for life shall be reckoned

as equivalent to imprisonment for twenty years unless otherwise provided.

11. In every case in which an offender is punishable with imprisonment which may be of

either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

12. (1) Where no sum is expressed to which a fine may extend, the amount of fine to

which the offender is liable is unlimited, but shall not be excessive.

(2) In every case of an offence--

(a) punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment; Punishments.

Commutation

of sentence of death or imprisonment for life.

Fractions of

terms of punishment.

Sentence may

be (in certain cases of imprisonment) wholly or partly rigorous or simple.

Amount of

fine, liability in default of payment of fine, etc.

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(b) punishable with imprisonment or fine, or with fine only, in which the offender

is sentenced to a fine, it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, in which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence.

(3) The term for which the Court directs the offender to be imprisoned in default of

payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

(4) The imprisonment which the Court imposes in default of payment of a fine or in

default of community service may be of any description to which the offender might have been sentenced for the offence.

(5) If the offence is punishable with fine or community service, the imprisonment

which the Court imposes in default of payment of the fine or in default of community service shall be simple, and the term for which the Court directs the offender to be imprisoned, in default of payment of fine or in default of community service, shall not exceed for any term not exceeding,—

(a) two months when the amount of the fine shall not exceed five thousand

rupees; and

(b) four months when the amount of the fine shall not exceed ten thousand rupees, and for any term not exceeding one year in any other case.

(6) (a) The imprisonment which is imposed in default of payment of a fine shall terminate

whenever that fine is either paid or levied by process of law;

(b) If, before the expiration of the term of imprisonment fixed in default of payment,

such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Illustration .

A is sentenced to a fine of one thousand rupees and to four months'

imprisonment in

default of payment. Here, if seven hundred and fifty rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seven hundred and fifty rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If five hundred rupees of the fine be paid or levied before the expiration of two months of the imprisonment. A will be discharged as soon as the two months are completed. If five hundred rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

(7) The fine, or any part thereof which remains unpaid, may be levied at any time within

six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

13. (1) Where anything which is an offence is made up of parts, any of which parts is

itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

(2) (a) Where anything is an offence falling within two or more separate definitions of

any law in force for the time being by which offences are defined or punished; or

(b) Where several acts, of which one or more than one would by itself or themselves

Limit of

punishment of offence made up of several offences. 5

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constitute an offence, constitute, when combined, a different offence,

the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences.

Illustration s.

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of

voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating.

(b) But, if, while A is beating Z, Y interferes, and A intentionally strikes Y, here, as the

blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y .

14. In all cases in which judgment is given that a person is guilty of one of several

offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided if the same punishment is not provided for all.

15. Whenever any person is convicted of an offence for which under this Sanhita the

Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, namely: -

(a) a time not exceeding one month if the term of imprisonment shall not exceed

six months;

(b) a time not exceeding two months if the term of imprisonment shall exceed six

months and shall not exceed one year;

(c) a time not exceeding three months if the term of imprisonment shall exceed

one year.

16. In executing a sentence of solitary confinement, such confinement shall in no case

exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

17. Whoever, having been convicted by a Court in India, of an offence punishable

under Chapters X or Chapter XVII of this Sanhita with imprisonment of either description for a term of three years or upwards, shall be guilty of any offence punishable under either of those Chapters with like imprisonment for the like term, shall be subject for every such subsequent offence to imprisonment for life, or to imprisonment of either description for a term which may extend to ten years.

CHAPTER III
G

GENERAL EXCEPTIONS

18. Nothing is an offence which is done by a person who is, or who by reason of a

mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it.

Illustrations.

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence. Punishment of person guilty of one of several offences, judgment stating that it is doubtful of which. Limit of

solitary confinement.

Enhanced

punishment for certain offences after previous conviction.

Act done by a

person bound, or by mistake of fact believing himself bound, by law. Solitary confinement. 5

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(b) A, an officer of a Court, being ordered by that Court to arrest Y, and after due

enquiry, believing Z to be Y, arrests Z. A has committed no offence.

19. Nothing is an offence which is done by a Judge when acting judicially in the

exercise of any power which is, or which in good faith he believes to be, given to him by law.

20. Nothing which is done in pursuance of, or which is warranted by the judgment or

order of, a Court; if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

21. Nothing is an offence which is done by any person who is justified by law, or who

by reason of a mistake of fact and not by reason of a mistake of law in good faith, believes himself to be justified by law, in doing it.

Illustration.

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his

judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

22. Nothing is an offence which is done by accident or misfortune, and without any

criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Illustration.

A is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

23. Nothing is an offence merely by reason of its being done with the knowledge that

it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation. — It is a question of fact in such a case whether the harm to be prevented

or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations.

(a) A, the captain of a vessel, suddenly, and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B, with twenty or thirty passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only two passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down the boat C.

(b) A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention in good faith of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence. Act of Judge when acting judicially.

Act done

pursuant to judgment or order of Court.

Act done by a

person justified, or by mistake of fact believing himself justified, by law.

Accident in

doing a lawful act.

Act likely to

cause harm, but done without criminal intent, and to prevent other harm.

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24. Nothing is an offence which is done by a child under seven years of age.

25. Nothing is an offence which is done by a child above seven years of age and under

twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

26. Nothing is an offence which is done by a person who, at the time of doing it, by

reason of mental illness, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

27. Nothing is an offence which is done by a person who, at the time of doing it, is, by

reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law; unless that the thing which intoxicated him was administered to him without his knowledge or against his will.

28. In cases where an act done is not an offence unless done with a particular knowledge

or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

29. Nothing which is not intended to cause death, or grievous hurt, and which is not

known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person, above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Illustration .

A and Z agree to fence with each other for amusement. This agreement implies the

consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

30. Nothing, which is not intended to cause death, is an offence by reason of any harm

which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Illustration .

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who

suffers under the painful complaint, but not intending to cause Z's death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

31. Nothing which is done in good faith for the benefit of a person under twelve years

of age, or of person with mental illness, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person:

Provided that this exception shall not extend to--

(a) the intentional causing of death, or to the attempting to cause death;

(b) the doing of anything which the person doing it knows to be likely to cause Act of a child above seven and under twelve of immature understanding.

Act of a person of mental illness.

Act of a person incapable of judgment by reason of intoxication caused against this will.

Offence requiring a particular intent or knowledge committed by one who is intoxicated.

Act not intended and not known to be likely to cause death or grievous hurt, done by consent.

Act not intended to cause death, done by consent in good faith for person's benefit.

Act done in good faith for benefit of child or person with mental illness, by or by consent of guardian. Act of a child

under seven years of age.

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death, for any purpose other than the preventing of death or grievous hurt, or the

curing of any grievous disease or infirmity;

(c) the voluntary causing of grievous hurt, or to the attempting to cause grievous

hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;

(d) the abetment of any offence, to the committing of which offence it would not

extend.

Illustration .

A, in good faith, for his child's benefit without his child's consent, has his child cut for

the stone by a surgeon knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, in as much as his object was the cure of the child.

32. A consent is not such a consent as is intended by any section of this Sanhita,--

(a) if the consent is given by a person under fear of injury, or under a misconception

of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

(b) if the consent is given by a person who, from mental illness, or intoxication,

is unable to understand the nature and consequence of that to which he gives his consent; or

(c) unless the contrary appears from the context, if the consent is given by a

person who is under twelve years of age.

33. The exceptions in sections 21, 22 and 23 do not extend to acts which are offences

independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Illustration .

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is offence independently of any harm which it may cause or be intended to cause to the woman. Therefore, it is not an offence "by reason of such harm"; and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

34. Nothing is an offence by reason of any harm which it may cause to a person for

whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit:

Provided that exception shall not extend to--

(a) the intentional causing of death, or the attempting to cause death;

(b) the doing of anything which the person doing it knows to be likely to cause

death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

(c) the voluntary causing of hurt, or to the attempting to cause hurt, for any

purpose other than the preventing of death or hurt;

(d) the abetment of any offence, to the committing of which offence it would not

extend.

Illustrations.

(1) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be given consent

known to be given under fear or misconception.

Exclusion of

acts which are offences independently of harm caused.

Act done in

good faith for benefit of a person without consent.

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14 be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the

trepan before Z recovers his power of judging for himself. A has committed no offence.

(2) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may

kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's bullet gives Z a mortal wound. A has committed no offence.

(3) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an

operation be immediately performed. There is no time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(4) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A

drops the child from the house top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation.— Mere pecuniary benefit is not benefit within the meaning of sections

21, 22 and 23.

35. No communication made in good faith is an offence by reason of any harm to the

person to whom it is made, if it is made for the benefit of that person. Illustration .

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live.

The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

36. Except murder, and offences against the State punishable with death, nothing is an

offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence:

Provided the person doing the act did not of his own accord, or from a reasonable

apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1.—A person who, of his own accord, or by reason of a threat of being

beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2.—A person seized by a gang of dacoits, and forced, by threat of instant

death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception.

37. Nothing is an offence by reason that it causes, or that it is intended to cause, or

that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

Of the right of private defence

38. Nothing is an offence which is done in the exercise of the right of private defence.

39. Every person has a right, subject to the restrictions contained in section 37, to

defend—

(a) his own body, and the body of any other person, against any offence affecting

the human body;

(b) the property, whether movable or immovable, of himself or of any other person, in good faith.

Act to which a

person is compelled by threats.

Act causing

slight harm.

Things done

in private defence.

Right of

private defence of body and of property.

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person, against any act which is an offence falling under the definition of theft, robbery,

mischievous or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

40. When an act, which would otherwise be a certain offence, is not that offence, by

reason of the youth, the want of maturity of understanding, the mental illness or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations.

(a) Z, under the influence of mental illness, attempts to kill A; Z is guilty of no offence.

But A has the same right of private defence which he would have if Z were sane.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith,

taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

41. (1) There is no right of private defence,—

(a) against an act which does not reasonably cause the apprehension of death

or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act, may not be strictly justifiable by law;

(b) against an act which does not reasonably cause the apprehension of death

or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law;

(c) in cases in which there is time to have recourse to the protection of the public authorities.

(2) The right of private defence in no case extends to the inflicting of more harm than

it is necessary to inflict for the purpose of defence.

Explanation 1.—A person is not deprived of the right of private defence against an act

done, or attempted to be done, by a public servant, as such, unless he knows or has reason to believe, that the person doing the act is such public servant.

Explanation 2.—A person is not deprived of the right of private defence against an act

done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction, or unless such person states the authority under which he acts, or if he has authority in writing, unless he produces such authority, if demanded.

42. The right of private defence of the body extends, under the restrictions specified in

section 37, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:—

(a) such an assault as may reasonably cause the apprehension that death will

otherwise be the consequence of such assault;

(b) such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

(c) an assault with the intention of committing rape;

(d) an assault with the intention of gratifying unnatural lust;

(e) an assault with the intention of kidnapping or abducting; Right of private defence against act of a person with mental illness, etc.

Acts against

which there is no right of private defence.

When the

right of private defence of body extends to causing death.

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(f) an assault with the intention of wrongfully confining a person, under

circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release;

(g) an act of throwing or administering acid or an attempt to throw or administer

acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.

43. If the offence be not of any of the descriptions specified in section 38, the right of

private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions specified in section 37, to the voluntary causing to the assailant of any harm other than death.

44. The right of private defence of the body commences as soon as a reasonable

apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues.

45. The right of private defence of property extends, under the restrictions specified in

section 37, to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely:—

(a) robbery;

(b) house-breaking after sun set and before sun rise;

(c) mischief by fire or any explosive substance committed on any building, tent

or vessel, which building, tent or vessel is used as a human dwelling, or as a place for the custody of property;

(d) theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

46. If the offence, the committing of which, or the attempting to commit which occasions

the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions specified in section 41, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions specified in section 37, to the voluntary causing to the wrong-doer of any harm other than death.

47. The right of private defence of property,—

(a) commences when a reasonable apprehension of danger to the property commences;

(b) against theft continues till the offender has effected his retreat with the

property or either the assistance of the public authorities is obtained, or the property has been recovered;

(c) against robbery continues as long as the offender causes or attempts to

cause to any person death or hurt or wrongful restraint or as long as the fear of instant death or of instant hurt or of instant personal restraint continues;

(d) against criminal trespass or mischief continues as long as the offender

continues in the commission of criminal trespass or mischief;

(e) against house-breaking after sunset and before sun rise continues as long as

the house-trespass which has been begun by such house-breaking continues.

48. If in the exercise of the right of private defence against an assault which reasonably

causes the apprehension of death, the defender be so situated that he cannot effectually When such right extends to causing any harm other than death.

Commencement

and continuance of right of private defence of the body.

When right of

private defence of property extends to causing death.

When such

right extends to causing any harm other than death.

Commencement

and continuance of right of private defence of property.

Right of private

defence against deadly assault when there is risk of harm to innocent person.5

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exercise that right without risk of harm to an innocent person, his right of private defence

extends to the running of that risk.

Illustration .

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his

right of private defence without firing on the mob, and he cannot fire without risk of harming

young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children. CHAPTER IV

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F ABETMENT , CRIMINAL CONSPIRACY AND ATTEMPT

Of Abetment

49. A person abets the doing of a thing, who—

(a) instigates any person to do that thing; or

(b) engages with one or more other person or persons in any conspiracy for the

doing of that thing, if an act or illegal omission takes place in pursuance of that

conspiracy, and in order to the doing of that thing; or

(c) intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment

of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration .

A, a public officer, is authorised by a warrant from a Court to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2. -Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

50. A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1. -The abetment of the illegal omission of an act may amount to an

offence although the abettor may not himself be bound to do that act.

Explanation 2. -To constitute the offence of abetment it is not necessary that the act

abetted should be committed, or that the effect requisite to constitute the offence should be caused.

Illustrations.

(a) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

(b) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

Explanation 3.-It is not necessary that the person abetted should be capable by law

of committing an offence, or that he should have the same guilty intention or knowledge as

that of the abettor, or any guilty intention or knowledge. Abetment of thing.

Abettor.5

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Illustrations.

(a) A, with a guilty intention, abets a child or a person with mental illness to commit an act which would be an offence, if committed by a person capable by law of committing an

offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(b) A, with the intention of murdering Z, instigates B, a child under seven years of age,

to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(c) A instigates B to set fire to a dwelling-house. B, in consequence of his mental illness, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4. —The abetment of an offence being an offence, the abetment of such

an abetment is also an offence.

Illustration .

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and

C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and, as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5. —It is not necessary to the commission of the offence of abetment by

conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed.

Illustration .

A concert with B a plan for poisoning Z. It is agreed that A shall administer the poison.

B then explains the plan to C mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section and is liable to the punishment for murder.

51. A person abets an offence within the meaning of this Sanhita who, in India, abets

the commission of any act without and beyond India which would constitute an offence if committed in India.

Illustration .

A, in India, instigates B, a foreigner in country X, to commit a murder in that country,

A is guilty of abetting murder.

52. A person abets an offence within the meaning of this Sanhita who, without and

beyond India, abets the commission of any act in India which would constitute an offence if committed in India.

Abetment in India of offences outside India.

Abetment

outside India for offence in India.5

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Illustration .

A, in country X, instigates B, to commit a murder in India, A is guilty of abetting murder.49. Whoever abets any offence shall, if the act abetted is committed in consequence of

the abetment, and no express provision is made by this Sanhita for the punishment of such abetment, be punished with the punishment provided for the offence.

Explanation. – An act or offence is said to be committed in consequence of abetment,

when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Illustration s.

(a) A instigates B to give false evidence. B, in consequence of the instigation, commits

that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(b) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the

poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

50. Whoever abets the commission of an offence shall, if the person abetted does the

act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

51. When an act is abetted and a different act is done, the abettor is liable for the act

done, in the same manner and to the same extent as if he had directly abetted it:

Provided that the act done was a probable consequence of the abetment, and was

committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Illustration s.

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y.

(b) A instigates B to burn Z's house, B sets fire to the house and at the same time

commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of

robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder.

52. If the act for which the abettor is liable under section 51 is committed in addition to

the act abetted, and constitute a distinct offence, the abettor is liable to punishment for each of the offences. Punishment of abetment if act abetted is committed in consequence and where no express provision is made for its punishment.

Punishment of

abetment if person abetted does act with different intention from that of abettor.

Liability of

abettor when one act abetted and different act done.

Abettor when

liable to cumulative punishment for act abetted and for act done.

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Illustration .

A instigates B to resist by force a distress made by a public servant. B, in consequence,

resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, B is liable to punishment for both these offences; and, if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to punishment for each of the offences.

53. When an act is abetted with the intention on the part of the abettor of causing a

particular effect, and an act for which the abettor is liable in consequence of the abetment, causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same

manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

Illustration .

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if A knew that the grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder.

54. Whenever any person, who is absent would be liable to be punished as an abettor,

is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

55. (1) Whoever abets the commission of an offence punishable with death or imprisonment for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made under this Sanhita for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(2) If any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Illustration .

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or imprisonment for life. Therefore A is liable to imprisonment for a term which may extend to seven years and also to a fine; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

56. (1) Whoever abets an offence punishable with imprisonment shall, if that offence

be not committed in consequence of the abetment, and no express provision is made by this Sanhita for the punishment of such abetment, be punished with imprisonment of any description provided for that offence for a term which may extend to one-fourth part of the longest term provided for that offence; or with such fine as is provided for that offence, or with both.

(2) If the abettor or the person abetted is a public servant, whose duty it is to prevent

the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations.

(a) A instigates B to give false evidence. Here, if B does not give false evidence, A has

nevertheless committed the offence defined in this section, and is punishable accordingly. Liability of abettor for effect caused by act abetted different from that intended by abettor.

Abettor

present when offence is committed.

Abetment of
offence punishable with death or imprisonment for life.

Abetment of
offence punishable with imprisonment.

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(b) A, a police-officer, whose duty it is to prevent robbery, abets the commission of

robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(c) B abets the commission of a robbery by A, a police-officer, whose duty it is to

prevent that offence. Here, though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

57. Whoever abets the commission of an offence by the public generally or by any

number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to seven years and with fine.

Illustration .

A affixes in a public place a placard instigating a sect consisting of more than ten

members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this section.

58. Whoever intending to facilitate or knowing it to be likely that he will thereby

facilitate the commission of an offence punishable with death or imprisonment for life, voluntarily conceals by any act or illegal omission, or by the use of encryption or any other information hiding tool, the existence of a design to commit such offence or makes any representation which he knows to be false respecting such design shall,--

(a) if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years; or

(b) if the offence be not committed, with imprisonment of either description, for

a term which may extend to three years,

and shall also be liable to fine.

Illustration .

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate

that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate with intent to facilitate the commission of the offence. The dacoity is committed at B in pursuance of the design. A is punishable under this section.

59. Whoever, being a public servant, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence which it is his duty as such public servant to prevent, voluntarily conceals, by any act or illegal omission or by the use of encryption or any other information hiding tool, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design shall,--

(a) if the offence be committed, be punished with imprisonment of any description

provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both; or

(b) if the offence be punishable with death or imprisonment for life, with imprisonment of either description for a term which may extend to ten years; or

(c) if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment or with such fine as is provided for the offence, or with both.

Illustration .

A, an officer of police, being legally bound to give information of all designs to commit

robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information, with intent to so facilitate the commission of that offence. A abetting commission of offence by public or by more than ten persons.

Concealing

design to commit offence punishable with death or imprisonment for life.

Public servant

concealing design to commit offence which it is his duty to prevent. 5

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Here A has by an illegal omission concealed the existence of B's design, and is liable to

punishment according to the provision of this section.

60. Whoever, intending to facilitate or knowing it to be likely that he will thereby

facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design shall,--

(a) if the offence be committed, be punished with imprisonment of the description

provided for the offence, for a term which may extend to one-fourth; and

(b) if the offence be not committed, to one-eighth, of the longest term of such

imprisonment, or with such fine as is provided for the offence, or with both.

Of Criminal conspiracy

61. (1) When two or more persons agree to do, or cause to be done--

(a) an illegal act; or

(b) an act which is not illegal by illegal means, such an agreement is designated

a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to

a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation.— It is immaterial whether the illegal act is the ultimate object of such

agreement, or is merely incidental to that object.

(2) Whoever is a party to a criminal conspiracy,--

(a) to commit an offence punishable with death, imprisonment for life or rigorous

imprisonment for a term of two years or upwards, shall, where no express provision is made in this Sanhita for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence;

(b) other than a criminal conspiracy to commit an offence punishable as aforesaid

shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

Of attempt

62. Whoever attempts to commit an offence punishable by this Sanhita with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Sanhita for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both.

Illustration .

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so

opening the box, that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A

fails in the attempt in consequence of Z's having nothing in his pocket. A is guilty under this section. Concealing design to commit offence punishable with imprisonment.

Criminal

conspiracy.

Punishment for

attempting to commit offences punishable with imprisonment for life

or other imprisonment. 5

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4023CHAPTER V

OF OFFENCES AGAINST WOMAN AND CHILDREN

Of Sexual offences

63. A man is said to commit "rape" if he—

(a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of

a woman or makes her to do so with him or any other person; or

(b) inserts, to any extent, any object or a part of the body, not being the penis,

into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or

(c) manipulates any part of the body of a woman so as to cause penetration into

the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or

(d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do

so with him or any other person,

under the circumstances falling under any of the following seven

descriptions: —

(i) against her will.

(ii) without her consent.

(iii) with her consent, when her consent has been obtained by putting her or

any person in whom she is interested, in fear of death or of hurt.

(iv) with her consent, when the man knows that he is not her husband and that

her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

(v) with her consent when, at the time of giving such consent, by reason of

mental illness or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

(vi) with or without her consent, when she is under eighteen years of age.

(vii) when she is unable to communicate consent.

Explanation 1.—For the purposes of this section, "vagina" shall also include labia

majora.

Explanation 2. —Consent means an unequivocal voluntary agreement when the woman

by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall

not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception. 1—A medical procedure or intervention shall not constitute rape.

Exception. 2—Sexual intercourse or sexual acts by a man with his own wife, the wife

not being under eighteen years of age, is not rape.

64. (1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever,—

(a) being a police officer, commits rape,—Rape.

Punishment

for rape.5

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(i) within the limits of the police station to which such police officer is

appointed; or

(ii) in the premises of any station house; or

(iii) on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or

(b) being a public servant, commits rape on a woman in such public servant's

custody or in the custody of a public servant subordinate to such public servant; or

(c) being a member of the armed forces deployed in an area by the Central Government or a State Government commits rape in such area; or

(d) being on the management or on the staff of a jail, remand home or other place

of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or

(e) being on the management or on the staff of a hospital, commits rape on a

woman in that hospital; or

(f) being a relative, guardian or teacher of, or a person in a position of trust or

authority towards the woman, commits rape on such woman; or

(g) commits rape during communal or sectarian violence; or

(h) commits rape on a woman knowing her to be pregnant; or

(i) commits rape, on a woman incapable of giving consent; or

(j) being in a position of control or dominance over a woman, commits rape on

such woman; or

(k) commits rape on a woman suffering from mental illness or physical disability; or

(l) while committing rape causes grievous bodily harm or maims or disfigures or

endangers the life of a woman; or

(m) commits rape repeatedly on the same woman,

shall be punished with rigorous imprisonment for a term which shall not be less than ten

years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Explanation. -For the purposes of this sub-section,-

(a) "armed forces" means the naval, army and air forces and includes any member

of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;

(b) "hospital" means the precincts of the hospital and includes the precincts of

any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation;

(c) "police officer" shall have the same meaning as assigned to the expression

"police" under the Police Act, 1861;

(d) "women's or children's institution" means an institution, whether called an

orphanage or a home for neglected women or children or a widow's home or an institution called by any other name, which is established and maintained for the reception and care of women or children.

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65. (1) Whoever, commits rape on a woman under sixteen years of age shall be

punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and

rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the

victim.

(2) Whoever, commits rape on a woman under twelve years of age shall be punished

with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death:

Provided that such fine shall be just and reasonable to meet the medical expenses and

rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.66. Whoever, commits an offence punishable under sub-section (

1) or sub-section (2)

of section 64 and in the course of such commission inflicts an injury which causes the death of the woman or causes the woman to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, or with death.

67. Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.

Explanation.— In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 63.

68. Whoever, being—

(a) in a position of authority or in a fiduciary relationship; or

(b) a public servant; or

(c) superintendent or manager of a jail, remand home or other place of custody

established by or under any law for the time being in force, or a women's or children's institution; or

(d) on the management of a hospital or being on the staff of a hospital, abuses

such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape,

shall be punished with rigorous imprisonment of either description for a term which shall not

be less than five years, but which may extend to ten years, and shall also be liable to fine.

Explanation 1.—In this section, "sexual intercourse" shall mean any of the acts

mentioned in clauses (a) to (d) of section 63.

Explanation 2.—For the purposes of this section, Explanation 1 to section 63 shall

also be applicable.

Explanation 3. —"Superintendent", in relation to a jail, remand home or other place of

custody or a women's or children's institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which such person can exercise any authority or control over its inmates. Punishment for rape in certain cases.

Punishment

for causing death or resulting in persistent vegetative state of victim.

Sexual

intercourse by husband upon his wife during separation or by person in authority.

Sexual

intercourse by person in authority. 5

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Explanation 4.—The expressions "hospital" and "women's or children's institution" shall respectively have the same meaning as in Explanation to sub-section (2) of section 64.

69. Whoever, by deceitful means or making by promise to marry to a woman without any intention of fulfilling the same, and has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Explanation.--- "deceitful means" shall include the false promise of employment or promotion, inducement or marrying after suppressing identity.

70. (1) Where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine: Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: Provided further that any fine imposed under this sub-section shall be paid to the victim.

(2) Where a woman under eighteen years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine, or with death: Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: Provided further that any fine imposed under this sub-section shall be paid to the victim.

71. Whoever has been previously convicted of an offence punishable under section 63 or section 64 or section 65 or section 66 or section 67 and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.

72. (1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under section 63 or section 64 or section 65 or section 66 or section 67 or section 68 is

alleged or found to have been committed(hereafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

(2) Nothing in sub-section (1) extends to any printing or publication of the name or

any matter which may make known the identity of the victim if such printing or publication is—

(a) by or under the order in writing of the officer-in-charge of the police station

or the police officer making the investigation into such offence acting in good faith for the purposes of such investigation; or

(b) by, or with the authorisation in writing of, the victim; or

(c) where the victim is dead or minor or person with mental illness, by, or with the

authorisation in writing of, the next of kin of the victim:

Provided that no such authorisation shall be given by the next of kin to anybody

other than the chairman or the secretary, by whatever name called, of any recognised welfare institution or organisation. Sexual intercourse by employing deceitful means, etc.

Gang rape.

Punishment

for repeat offenders.

Disclosure of

identity of victim of certain offences, etc.5

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Explanation.— For the purposes of this sub-section, "recognised welfare institution

or organisation" means a social welfare institution or organisation

recognised in this behalf by the Central Government or State Government.

(3) Whoever prints or publishes any matter in relation to any proceeding before a

court with respect to an offence referred to in sub-section (1) without the previous permission

of such court shall be punished with imprisonment of either description

for a term which may extend to two years and shall also be liable to fine.

Explanation.— The printing or publication of the judgment of any High Court or the

Supreme Court does not amount to an offence within the meaning of this section.

Of criminal force and assault against women

73. Whoever assaults or uses criminal force to any woman, intending to outrage or

knowing it to be likely that he will thereby outrage her modesty, shall

be punished with imprisonment of either description for a term which shall

not be less than one year but which may extend to five years, and shall

also be liable to fine.

74. (1) A man committing any of the following acts—

(i) physical contact and advances involving unwelcome and explicit sexual overtures; or

(ii) a demand or request for sexual favours; or

(iii) showing pornography against the will of a woman; or

(iv) making sexually coloured remarks,

shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii)

of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend

to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall

be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

75. Whoever assaults or uses criminal force to any woman or abets such act with the

intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

76. Whoever watches, or captures the image of a woman engaging in a private act in

circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

Explanation 1.—For the purpose of this section, "private act" includes an act of

watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim's genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public.

Explanation 2.—Where the victim consents to the capture of the images or any act,

but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under this section. Assault or criminal force to woman with intent to outrage her modesty.

Sexual

harassment and punishment for sexual harassment.

Assault or use

of criminal force to woman with intent to disrobe.

Voyeurism.5

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77. (1) Any man who—

(i) follows a woman and contacts, or attempts to contact such woman to foster

personal interaction repeatedly despite a clear indication of disinterest by such woman; or

(ii) monitors the use by a woman of the internet, e-mail or any other form of

electronic communication,

commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it

proves that—

(i) it was pursued for the purpose of preventing or detecting crime and the man

accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or

(ii) it was pursued under any law or to comply with any condition or requirement

imposed by any person under any law; or

(iii) in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with

imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or

subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

78. Whoever, intending to insult the modesty of any woman, utters any words, makes

any sound or gesture, or exhibits any object in any form, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.

Of offences relating to marriage

79. (1) Where the death of a woman is caused by any burns or bodily injury or occurs

otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Explanation.— For the purposes of this sub-section, "dowry" shall have the same

meaning as in section 2 of the Dowry Prohibition Act, 1961.

(2) Whoever commits dowry death shall be punished with imprisonment for a term

which shall not be less than seven years but which may extend to imprisonment for life.

80. Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

81. (1) Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception.— This sub-section does not extend to any person whose marriage with

such husband or wife has been declared void by a Court of competent jurisdiction, nor to

any person who contracts a marriage during the life of a former husband or wife, if such

husband or wife, at the time of the subsequent marriage, shall have been continually absentStalking.

Word, gesture

or actintended toinsult modestyof woman.

Dowry death.

Cohabitation

caused by mandeceiveitfullyinducingbelief of lawfulmarriage.

Marrying

again duringlifetime ofhusband orwife.28 of 1961.5

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from such person for the space of seven years, and shall not have been heard of by such

person as being alive within that time provided the person contracting such subsequentmarriage shall, before such marriage takes place, inform the person with whom such marriageis contracted of the real state of facts so far as the same are within his or her knowledge.

(2) Whoever commits the offence under sub-section (1) having concealed from the

person with whom the subsequent marriage is contracted, the fact of the former marriage,shall be punished with imprisonment of either description for a term which may extend to tenyears, and shall also be liable to fine.

82. Whoever, dishonestly or with a fraudulent intention, goes through the ceremony

of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

83. Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

84. Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purposes of this section, "cruelty" means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman

to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing

her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

85. Whoever kidnaps or abducts any woman with intent that she may be compelled, or

knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and whoever, by means of criminal intimidation as defined in this Sanhita or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

Of the causing of miscarriage, etc.

86. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage

be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation.— A woman who causes herself to miscarry, is within the meaning of this section.

87. Whoever commits the offence under section 86 without the consent of the woman,

whether the woman is quick with child or not, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Marriage ceremony fraudulently gone through without lawful marriage.

Enticing or
taking away or detaining with criminal intent married woman.
Husband or
relative of husband or woman subjecting her to cruelty.
Kidnapping,
abducting or inducing woman to compel her marriage, etc.
Causing
miscarriage.
Causing
miscarriage without woman's consent. 5

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88. (1) Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Where the act referred to in sub-section (1) is done without the consent of the woman, shall be punishable either with imprisonment for life, or with the punishment specified in said sub-section.

Explanation.— It is not essential to this offence that the offender should know that

the act is likely to cause death.

89. Whoever before the birth of any child does any act with the intention of thereby

preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

90. Whoever does any act under such circumstances, that if he thereby caused death

he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Illustration .

A, knowing that he is likely to cause the death of a pregnant woman, does an act

which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this section.

Of offences against children

91. Whoever being the father or mother of a child under the age of twelve years, or

having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation.— This section is not intended to prevent the trial of the offender for

murder or culpable homicide, as the case may be, if the child die in consequence of the exposure.

92. Whoever, by secretly burying or otherwise disposing of the dead body of a child

whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

93. Whoever hires, employs or engages any person below the age of eighteen years

to commit an offence shall be punished with imprisonment of either description or fine provided for that offence as if the offence has been committed by such person himself.

Explanation.— Hiring, employing, engaging or using a child for sexual exploitation or

pornography is covered within the meaning of this section.

94. Whoever, by any means whatsoever, induces any child below the age of eighteen

years to go from any place or to do any act with intent that such child below the age of eighteen years may be, or knowing that it is likely that such child will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

95. Whoever kidnaps or abducts any child under the age of ten years with the intention

of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Death caused by act done with intent to cause miscarriage.

Act done with

intent to prevent child being born alive or to cause it to die after birth.

Causing death

of quick unborn child by act amounting to culpable homicide.

Exposure and

abandonment of child under twelve years, by parent or person having care of it.

Concealment

of birth by secret disposal of dead body.

Hiring,

employing or engaging a child to commit an offence.

Procurator of

child.

Kidnapping or

abducting child under ten years with

intent to steal

from its person. 5

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96. Whoever sells, lets to hire, or otherwise disposes of child below eighteen years of age with intent that such child shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation 1.—When a female under the age of eighteen years is sold, let for hire, or

otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

Explanation 2.—For the purposes of this section “illicit intercourse” means sexual

intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognised by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.

97. Whoever buys, hires or otherwise obtains possession of any child below the age

of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to fourteen years, and shall also be liable to fine.

Explanation 1.—Any prostitute or any person keeping or managing a brothel, who

buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

Explanation 2.—“Illicit intercourse” has the same meaning as in section

96. CHAPTER VI

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F OFFENCES AFFECTING THE HUMAN BODY

Of offences affecting life

98. Whoever causes death by doing an act with the intention of causing death,

or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Illustrations.

(a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with

the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

(b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

(c) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush;

A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.

Explanation 1.—A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death. Selling child for purposes of prostitution, etc.

Buying child for purposes of prostitution, etc.

Culpable homicide.5

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Explanation 2.—Where death is caused by bodily injury, the person who causes such

bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3.—The causing of the death of a child in the mother's womb is not

homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

99. Except in the cases hereinafter excepted, culpable homicide is murder,--

(a) if the act by which the death is caused is done with the intention of causing death; or

(b) if the act by which the death is caused is done with the intention of causing

such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or

(c) if the act by which the death is caused is done with the intention of causing

bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or

(d) if the person committing the act by which the death is caused, knows that it

is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Illustrations.

(a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(b) A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

(c) A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of

a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death.

(d) A without any excuse fires a loaded cannon into a crowd of persons and kills one

of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

Exception 1.—Culpable homicide is not murder if the offender, whilst deprived of the

power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident:

Provided that the provocation is not,—

(a) sought or voluntarily provoked by the offender as an excuse for killing or

doing harm to any person;

(b) given by anything done in obedience to the law, or by a public servant in the

lawful exercise of the powers of such public servant;

(c) given by anything done in the lawful exercise of the right of private defence.

Explanation.—Whether the provocation was grave and sudden enough to prevent

the offence from amounting to murder is a question of fact. Murder. 5

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Illustration s.

(a) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, in as much as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(b) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.

(c) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, in as much as the provocation was given by a thing done by a public servant in the exercise of his powers.

(d) A appears as a witness before Z, a Magistrate. Z says that he does not believe a

word of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.

(e) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, in as much as the provocation was giving by a thing done in the exercise of the right of private defence.

(f) Z strikes B. B is by this provocation excited to violent rage. A, a bystander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2.—Culpable homicide is not murder if the offender in the exercise in good

faith of the right of private defence of person or property, exceeds the power given to him by

law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Illustration .

Z attempts to horsewhip A, not in such a manner as to cause grievous hurt to A. A

draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other

means prevent himself from being horsewhipped, shoots Z dead. A has not committed murder, but only culpable homicide.

Exception 3.—Culpable homicide is not murder if the offender, being a public servant

or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be

lawful and necessary for the due discharge of his duty as such public servant and without

ill-will towards the person whose death is caused.

Exception 4.—Culpable homicide is not murder if it is committed without premeditation

in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.

Explanation.— It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5.—Culpable homicide is not murder when the person whose death is caused,

being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

Illustration .

A, by instigation, voluntarily causes Z, a person under eighteen years of age to

commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

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100. If a person, by doing anything which he intends or knows to be likely to cause

death, commits culpable homicide by causing the death of any person, whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

101. (1) Whoever commits murder shall be punished with death or imprisonment for

life, and shall also be liable to fine.

(2) When a group of five or more persons acting in concert commits murder on the

ground of race, caste or community, sex, place of birth, language, personal belief or any other ground each member of such group shall be punished with death or with imprisonment for life or imprisonment for a term which shall not be less than seven years, and shall also be liable to fine.

102. Whoever, being under sentence of imprisonment for life, commits murder, shall be

punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life.

103. Whoever commits culpable homicide not amounting to murder, shall be punished

with imprisonment for life, or imprisonment of either description for a term which shall not be less than five years but which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or with imprisonment of either

description for a term which may extend to ten years and with fine, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

104. (1) Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide and escapes from the scene of incident or fails to report the incident to a Police officer or Magistrate soon after the incident, shall be punished with imprisonment of either description of a term which may extend to ten years, and shall also be liable to fine.

105. If any person under eighteen years of age, any person with mental illness, any

delirious person or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

106. If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

107. (1) Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

(2) When any person offending under sub-section (1) is under sentence of imprisonment

for life, he may, if hurt is caused, be punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life. Culpable homicide by causing death of person other than person whose death was intended.

Punishment

for murder.

Punishment

for murder by life-convict.

Punishment

for culpable homicide not amounting to murder.

Causing death

by negligence.

Abetment of

suicide of child or person with mental illness.

Abetment of

suicide.

Attempt to

murder.

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Illustration s.

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued A would be guilty of murder. A is liable to punishment under this section.

(b) A, with the intention of causing the death of a child of tender years, exposes it in a desert place. A has committed the offence defined by this section, though the death of the child does not ensue.

(c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and, if by such firing he wounds Z, he is liable to the punishment provided by the latter part of the first paragraph of this section.

(d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence defined in this section. A places the food on Z's table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this section.

108. Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Illustration .

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that

if he thereby caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.

109. (1) Any continuing unlawful activity including kidnapping, robbery, vehicle theft,

extortion, land grabbing, contract killing, economic offences, cyber-crimes having severe consequences, trafficking in people, drugs, illicit goods or services and weapons, human trafficking racket for prostitution or ransom by the effort of groups of individuals acting in concert, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, corruption or related activities or other unlawful means to obtain direct or indirect, material benefit including a financial benefit, shall constitute organised crime.

Explanation.— For the purposes of this sub-section,—

(i) 'benefit' includes property, advantage, service, entertainment, the use of or

access to property or facilities, and anything of benefit to a person whether or not it has any inherent or tangible value, purpose or attribute;
(ii) "organised crime syndicate" means a criminal organisation or group of three

or more persons who, acting either singly or collectively in concert, as a syndicate, gang, mafia, or (crime) ring indulging in commission of one or more serious offences or involved in gang criminality, racketeering, and syndicated organised crime;

(iii) "continuing unlawful activity" means an activity prohibited by law, which is

a cognizable offence undertaken either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheet has been filed before a competent court within the preceding period of ten years and that court has taken cognizance of such offence;

(iv) "economic offences" include criminal breach of trust; forgery, counterfeiting

of currency and valuable securities, financial scams, running Ponzi schemes, mass-marketing fraud or multi-level marketing schemes with a view to defraud the people at large for obtaining the monetary benefits or large scale organised betting in any form, offences of money laundering and hawala transactions. Attempt to commit culpable homicide.

Organised

crime.5

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(2) Whoever, attempts to commit or commits an offence of organised crime shall, -

(i) if such offence has resulted in the death of any person, be punishable with

death or imprisonment for life and shall also be liable to fine which shall not be less than rupees ten lakhs;

(ii) in any other case, be punishable with imprisonment for a term which shall not

be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(3) Whoever, conspires or organises the commission of an organised crime, or assists, facilitates or otherwise engages in any act preparatory to an organised crime, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(4) Any person who is a member of an organised crime syndicate shall be punishable

with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(5) Whoever, intentionally harbours or conceals or attempts to harbour or conceal any

person who has committed the offence of an organised crime or any member of an organised crime syndicate or believes that his act will encourage or assist the doing of such crime shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs:

Provided that this sub-section shall not apply to any case in which the harbour or

concealment is by the spouse of the offender.

(6) Whoever, holds any property derived, or obtained from the commission of an

organised crime or proceeds of any organised crime or which has been acquired through the organised crime syndicate funds shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees two lakhs.

(7) If any person on behalf of a member of an organised crime syndicate is, or at any

time has been in possession of movable or immovable property which he cannot satisfactorily account for, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for ten years and shall also be liable to fine which shall not be less than rupees one lakh and such property shall also be liable for attachment and forfeiture.

Explanation.-- For the purposes of this section, "proceeds of any organised crime"

means all kind of properties which have been derived or obtained from commission of any organised crime or have acquired through funds traceable to any organised crime and shall include cash, irrespective of person in whose name such proceeds are standing or in whose possession they are found.

110. (1) Any crime that causes general feelings of insecurity among citizens relating to

theft of vehicle or theft from vehicle, domestic and business theft, trick theft, cargo crime, theft (attempt to theft, theft of personal property), organised pick pocketing, snatching, theft through shoplifting or card skimming and Automated Teller Machine thefts or procuring money in unlawful manner in public transport system or illegal selling of tickets and selling of public examination question papers and such other common forms of organised crime committed by organised criminal groups or gangs, shall constitute petty organised crimes and shall include the said crimes when committed by mobile organised crime groups or gangs that create network of contacts, anchor points, and logistical support among themselves to carry out number of offences in region over a period before moving on.

(2) Whoever commits or attempts to commit any petty organised crime, under sub-section (1) shall be punished with imprisonment for a term which shall not be less than

one year but which may extend to seven years, and shall also be liable to fine.

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111. (1) A person is said to have committed a terrorist act if he commits any act in India

or in any foreign country with the intention to threaten the unity, integrity and security of India, to intimidate the general public or a segment thereof, or to disturb public order by doing an act,--

(i) using bombs, dynamite or any other explosive substance or inflammable material or firearms or other lethal weapons or poison or noxious gases or other chemicals

or any other substance (whether biological or otherwise) hazardous in nature in such a manner so as to create an atmosphere or spread a message of fear, to cause death or serious bodily harm to any person, or endangers a person's life;

(ii) to cause damage or loss due to damage or destruction of property or disruption

of any supplies or services essential to the life of the community, destruction of a

Government or public facility, public place or private property;

(iii) to cause extensive interference with, damage or destruction to critical

infrastructure;

(iv) to provoke or influence by intimidation the Government or its organisation,

in such a manner so as to cause or likely to cause death or injury to any public

functionary or any person or an act of detaining any person and threatening to kill or

injure such person in order to compel the Government to do or abstain from doing any

act, or destabilise or destroy the political, economic, or social structures of the country, or create a public emergency or undermine public safety;

(v) included within the scope of any of the Treaties listed in the Second Schedule

to the Unlawful Activities (Prevention) Act, 1967.

(2) Whoever, attempts to commit or commits an offence of terrorist act shall,--

(i) if such offence has resulted in the death of any person, be punishable with

death or imprisonment for life without the benefit of parole, and shall also be liable to

fine which shall not be less than rupees ten lakhs;

(ii) in any other case, be punishable with imprisonment for a term which shall not

be less than five years but which may extend to imprisonment for life, and shall also be

liable to fine which shall not be less than rupees five lakhs.

(3) Whoever, conspires, organises or causes to be organised any organisation, association or a group of persons for terrorist acts, or assists, facilitates or otherwise conspires to engage in any act preparatory to any terrorist act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than rupees five lakhs.

(4) Any person, who is a member of terrorist organisation, which is involved in terrorist act, shall be punishable with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than rupees five lakhs.

(5) Whoever, intentionally harbours or conceals or attempts to harbour or conceal any person who has committed an offence of any terrorist act shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than rupees five lakh:

Provided that this sub-section shall not apply to any case in which the harbour or concealment is by the spouse of the offender.

(6) Whoever, holds any property directly or indirectly, derived or obtained from commission of terrorist act or proceeds of terrorism, or acquired through the terrorist fund, or possesses, provides, collects or uses property or funds or makes available property, funds or financial service or other related services, by any means, to be used, in full or in part to Offence if terrorist act.

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carry out or facilitate the commission of any terrorist act, shall be punishable with imprisonment for a term which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs and such property shall also be liable for attachment and forfeiture.

Explanation .- For the purposes of this section,--

(a) "terrorist" refers to any person who—
(i) develops, manufactures, possesses, acquires, transports, supplies or uses weapons, explosives, or releases nuclear, radiological or other dangerous substance, or cause fire, floods or explosions;
(ii) commits, or attempts, or conspires to commit terrorist acts by any means, directly or indirectly;
(iii) participates, as a principal or as an accomplice, in terrorist acts;
(b) the expression "proceeds of terrorism" shall have the same meaning as assigned to it in clause (g) of section 2 of the Unlawful Activities (Prevention) Act, 1967;
(c) "terrorist organisation, association or a group of persons" refers to any entity owned or controlled by any terrorist or group of terrorists that—
(i) commits, or attempts to commit, terrorist acts by any means, directly or indirectly;—
(ii) participates in acts of terrorism;—
(iii) prepares for terrorism;—
(iv) promotes terrorism;—(v) organises or directs others to commit terrorism;—
(vi) contributes to the commission of terrorist acts by a group of persons acting with common purpose of furthering the terrorist act where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act; or
(vii) is otherwise involved in terrorism; or
(viii) any organisation listed in the First Schedule to the Unlawful Activities (Prevention) Act, 1967 or an organisation operating under the same name as an organisation so listed.

Of hurt

112. Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

113. (1) Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt".

(2) Whoever, except in the case provided for by sub-section (1) of section 120 voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

114. The following kinds of hurt only are designated as "grievous", namely:--

- (a) Emasculation.
- (b) Permanent privation of the sight of either eye.
- (c) Permanent privation of the hearing of either ear.
- (d) Privation of any member or joint.
- (e) Destruction or permanent impairing of the powers of any member or joint.
- (f) Permanent disfiguration of the head or face.

(g) Fracture or dislocation of a bone or tooth.

(h) Any hurt which endangers life or which causes the sufferer to be during the space of fifteen days in severe bodily pain, or unable to follow his ordinary pursuits.

115. (1)Whoever voluntarily causes hurt, if the hurt which he intends to cause or

knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt".Hurt.

Voluntarily.

causing hurt.

Grievous hurt.

Voluntarily

causing grievous hurt.37 of 1967.

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(2) Whoever, except in the case provided for by sub-section (3), voluntarily causes

grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation. -A person is not said voluntarily to cause grievous hurt except when he

both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration.

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives

Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of fifteen days. A has voluntarily caused grievous hurt.

(3) Whoever commits an offence under sub-section (1) and in the course of such

commission causes any hurt to a person which causes that person to be in permanent disability or in persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life.

(4) When grievous hurt of a person is caused by a group of five or more persons on the

ground of his, race, caste, sex, place of birth, language, personal belief or any other ground, each member of such group shall be guilty of the offence of causing grievous hurt, and shall be punished with imprisonment

of either description for a term which may extend to seven years, and shall also be liable to fine.

116. (1) Whoever, except in the case provided for by sub-section (1) of section 120, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to twenty thousand rupees, or with both.

(2) Whoever, except in the case provided for by sub-section (2) of section 120, voluntarily causes grievous hurt by any means referred to in sub-section (1), shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than one year but which may extend to ten years, and shall also be liable to fine.

117. (1) Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever voluntarily causes grievous hurt for any purpose referred to in sub-section (1), shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

118. (1) Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property. Voluntarily causing hurt or grievous hurt by dangerous weapons or means. Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property.5

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(2) Whoever voluntarily causes grievous hurt for any purpose referred to in

sub-section (1), shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Illustrations.

(a) A, a police-officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.

(b) A, a police-officer, tortures B to induce him to point out where certain stolen

property is deposited. A is guilty of an offence under this section.

(c) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of

revenue due from Z. A is guilty of an offence under this section.

119. (1) Whoever voluntarily causes hurt to any person being a public servant in the

discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(2) Whoever voluntarily causes grievous hurt to any person being a public servant in

the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to ten years, and shall also be liable to fine.

120. (1) Whoever voluntarily causes hurt on grave and sudden provocation, if he

neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

(2) Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he

neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine which may extend to ten thousand rupees, or with both.

Explanation. -This section is subject to the same provision as Exception 1,

section 99.

121. Whoever administers to or causes to be taken by any person any poison or any

stupefying, intoxicating or unwholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

122. (1) Whoever causes permanent or partial damage or deformity to, or burns or

maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt or causes a person to be in a permanent vegetative state shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses of

the treatment of the victim: Voluntarily causing hurt or grievous hurt to deter public servant from his duty.

Voluntarily

causing hurt or grievous hurt on provocation.

Causing hurt

by means of poison, etc., with intent to commit an offence.

Voluntarily

causing hurt or grievous hurt by use of acid, etc. 5

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Provided further that any fine imposed under this section shall be paid to the victim.

(2) Whoever throws or attempts to throw acid on any person or attempts to administer

acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

Explanation 1.—For the purposes of this section, "acid" includes any substance

which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

Explanation 2.—For the purposes of this section, permanent or partial damage or

deformity or permanent vegetative state, shall not be required to be irreversible.

123. Whoever does any act so rashly or negligently as to endanger human life or the

personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two thousand five hundred rupees, or with both, but—

(a) where the hurt is caused, shall be punished with imprisonment of either

description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both;

(b) where grievous hurt is caused, shall be punished with imprisonment of

either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees

, or with both.

Of wrongful restraint and wrongful confinement

124. (1) Whoever voluntarily obstructs any person so as to prevent that person from

proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception. —The obstruction of a private way over land or water which a person in

good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

Illustration.

A obstructs a path along which Z has a right to pass, A not believing in good faith that

he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

(2) Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

125. (1) Whoever wrongfully restrains any person in such a manner as to prevent that

person from proceedings beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustrations.

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from

proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) A places men with firearms at the outlets of a building, and tells Z that they will fire

at Z if Z attempts to leave the building. A wrongfully confines Z.

(2) Whoever wrongfully confines any person shall be punished with imprisonment of

either description for a term which may extend to one year, or with fine which may extend to five thousand rupees

, or with both. Act endangering life or personal safety of others.

Wrongful

restraint.

Wrongful

Confinement. 5

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(3) Whoever wrongfully confines any person for three days, or more, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both

(4) Whoever wrongfully confines any person for ten days or more, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine which shall not be less than ten thousand rupees.

(5) Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any term of imprisonment to which he may be liable under any other section of this Chapter and shall also be liable to fine.

(6) Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to three years in addition to any other punishment to which he may be liable for such wrongful confinement and shall also be liable to fine.

(7) Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security or of constraining the person confined or any person interested in such person to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(8) Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Of criminal force and assault

126. A person is said to use force to another if he causes motion, change of motion, or

cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling:

Provided that the person causing the motion, or change of motion, or cessation of

motion, causes that motion, change of motion, or cessation of motion in one of the following three ways, namely:--

(a) by his own bodily power;

(b) by disposing any substance in such a manner that the motion or change or

cessation of motion takes place without any further act on his part, or on the part of any other person;

(c) by inducing any animal to move, to change its motion, or to cease to move.

Force.5

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127. Whoever intentionally uses force to any person, without that person's consent,

in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations.

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus

intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other action on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.

(b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to

quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has used criminal force to Z.

(c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the

palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence. A has used criminal force to Z.

(d) A intentionally pushes against Z in the street. Here A has by his own bodily

power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.

(e) A throw a stone, intending or knowing it to be likely that the stone will be thus

brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z, or Z's clothes, A has used force to Z, and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.

(f) A intentionally pulls up a Woman's veil. Here A intentionally uses force to her,

and if he does so without her consent intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.

(g) Z is bathing. A pours into the bath water which he knows to be boiling. Here

A intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling; A has therefore intentionally used force to Z; and if he has done this without Z's consent intending or knowing it to be likely that he may thereby cause injury, fear or annoyance to Z, A has used criminal force.

(h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to

cause injury, fear or annoyance to Z, he uses criminal force to Z.

128. Whoever makes any gesture, or any preparation intending or knowing it to be

likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault. Criminal force. Assault. 5

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Explanation. -Mere words do not amount to an assault. But the words which a

person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations.

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby

cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(c) A takes up a stick, saying to Z, "I will give you a beating". Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

129. Whoever assaults or uses criminal force to any person otherwise than on grave

and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both. Explanation. - Grave and sudden provocation will not mitigate the punishment for an

offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence, or

if the provocation is given by anything done in obedience to the law, or by a public

servant, in the lawful exercise of the powers of such public servant, or if the provocation is given by anything done in the lawful exercise of the right of

private defence.

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

130. Whoever assaults or uses criminal force to any person being a public servant in

the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

131. Whoever assaults or uses criminal force to any person, intending thereby to

dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

132. Whoever assaults or uses criminal force to any person, in attempting to commit

theft on any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

133. Whoever assaults or uses criminal force to any person, in attempting wrongfully

to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both. Punishment

for assault or

criminal force

otherwise than

on grave
provocation.

Assault or
criminal force to deter public servant from discharge of his duty.

Assault or
criminal force with intent to dishonour person, otherwise than on
grave provocation.

Assault or
criminal force in attempt to commit theft of property carried by a person.

Assault or
criminal force in attempt wrongfully to confine a person. 5

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134. Whoever assaults or uses criminal force to any person on grave and
sudden

provocation given by that person, shall be punished with simple
imprisonment for a term which may extend to one month, or with fine which
may extend to one thousand rupees, or with both.

Explanation.— This section is subject to the same Explanation as section
129.

Of Kidnapping, Abduction, Slavery and Forced Labour

135. (1) Kidnapping is of two kinds: kidnapping from India, and kidnapping
from

lawful guardianship--

(a) whoever conveys any person beyond the limits of India without the
consent

of that person, or of some person legally authorised to consent on behalf
of that person, is said to kidnap that person from India;

(b) whoever takes or entices any child below the age of eighteen years or
any

person with mental illness, out of the keeping of the lawful guardian of
such child or

person with mental illness, without the consent of such guardian, is said
to kidnap

such child or person from lawful guardianship.

Explanation. --The words "lawful guardian" in this clause include any
person

lawfully entrusted with the care or custody of such child or other person.

Exception. --This clause does not extend to the act of any person who in
good

faith believes himself to be the father of an illegitimate child below the
age of eighteen years, or who in good faith believes himself to be entitled
to the lawful custody of such child, unless such act is committed for an
immoral or unlawful purpose.

(2) Whoever kidnaps any person from India or from lawful guardianship
shall be

punished with imprisonment of either description for a term which may
extend to seven years, and shall also be liable to fine.

136. Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

137. (1) Whoever kidnaps any child below the age of eighteen years or, not being the lawful guardian of such child, obtains the custody of the child, in order that such child may be employed or used for the purposes of begging shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever maims any child below the age of eighteen years in order that such child may be employed or used for the purposes of begging shall be punishable with imprisonment which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine.

(3) Where any person, not being the lawful guardian of a child below the age of eighteen years employs or uses such child for the purposes of begging, it shall be presumed, unless the contrary is proved, that he kidnapped or otherwise obtained the custody of such child in order that such child might be employed or used for the purposes of begging.

(4) In this section "begging" means—

(i) soliciting or receiving alms in a public place, whether under the pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise;

(ii) entering on any private premises for the purpose of soliciting or receiving

alms; Assault or criminal force on grave provocation.

Kidnapping.

Abduction.

Kidnapping or

maiming a child for purposes of begging.

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(iii) exposing or exhibiting, with the object of obtaining or extorting alms, any

sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(iv) using such child as an exhibit for the purpose of soliciting or receiving alms.

138. (1) Whoever kidnaps or abducts any person in order that such person may be

murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with imprisonment for life or rigorous imprisonment for a term which may extend to

ten years, and shall also be liable to fine.

Illustrations.

(a) A kidnaps Z from India, intending or knowing it to be likely that Z may be sacrificed

to an idol. A has committed the offence defined in this section.

(b) A forcibly carries or entices B away from his home in order that B may be murdered.

A has committed the offence defined in this section.

(2) Whoever kidnaps or abducts any person or keeps a person in detention after such

kidnapping or abduction, and threatens to cause death or hurt to such person, or by his

conduct gives rise to a reasonable apprehension that such person may be put to death or

hurt, or causes hurt or death to such person in order to compel the

Government or any foreign State or international inter-governmental organisation or any other person to do or abstain from doing any act or to

pay a ransom, shall be punishable with death, or imprisonment

for life, and shall also be liable to fine.

(3) Whoever kidnaps or abducts any person with intent to cause that person to be

secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall

also be liable to fine.

(4) Whoever kidnaps or abducts any person in order that such person may be subjected,

or may be so disposed of as to be put in danger of being subjected to

grievous hurt, or slavery, or to the unnatural lust of any person, or

knowing it to be likely that such person will be so subjected or disposed

of, shall be punished with imprisonment of either description for

a term which may extend to ten years, and shall also be liable to fine.

139. Whoever imports into India from any country outside India any girl under the age

of twenty-one years or any boy under the age of eighteen years with intent that girl or boy may be, or knowing it to be likely that girl or boy will

be, forced or seduced to illicit intercourse

with another person, shall be punishable with imprisonment which may

extend to ten years

and shall also be liable to fine.

140. Whoever, knowing that any person has been kidnapped or has been abducted,

wrongfully conceals or confines such person, shall be punished in the same manner as if he

had kidnapped or abducted such person with the same intention or

knowledge, or for the

same purpose as that with or for which he conceals or detains such person in confinement.

141. (1) Whoever, for the purpose of exploitation, recruits, transports, harbours,

transfers, or receives, a person or persons, by—

(a) using threats; or

(b) using force, or any other form of coercion; or

(c) by abduction; or

(d) by practicing fraud, or deception; or

(e) by abuse of power; or kidnapping or abducting in order to murder or for ransom etc.

Importation of girl or boy from foreign country.

Wrongfully concealing or keeping in confinement, kidnapped or abducted person.

Trafficking of person.⁵

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(f) by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

Explanation 1.—The expression "exploitation" shall include any act of physical

exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, beggary or forced removal of organs.

Explanation 2.—The consent of the victim is immaterial in determination of the offence of trafficking.

(2) Whoever commits the offence of trafficking shall be punished with rigorous

imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.

(3) Where the offence involves the trafficking of more than one person, it shall be

punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(4) Where the offence involves the trafficking of a child below the age of eighteen

years, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(5) Where the offence involves the trafficking of more than one child below the age of

eighteen years, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.

(6) If a person is convicted of the offence of trafficking of child below the age of

eighteen years on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

(7) When a public servant or a police officer is involved in the trafficking of any person

then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

142. (1) Whoever, knowingly or having reason to believe that a child below the age of eighteen years has been trafficked, engages such child for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.

(2) Whoever, knowingly or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

143. Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

144. Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. Exploitation of a trafficked person.

Habitual
dealing in slaves.

Unlawful
compulsory labour.

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4048 CHAPTER VII

OF OFFENCES AGAINST THE STATE

145. Whoever wages war against the Government of India, or attempts to wage such

war, or abets the waging of such war, shall be punished with death, or imprisonment for life and shall also be liable to fine.

Illustration.

A joins an insurrection against the Government of India. A has committed the offence defined in this section.

146. Whoever within or without and beyond India conspires to commit any of the

offences punishable by section 145, or conspires to overawe, by means of criminal force or the show of criminal force, the Central Government or any State Government, shall be punished with imprisonment for life, or with imprisonment of either description which may extend to ten years, and shall also be liable to fine.

Explanation .-To constitute a conspiracy under this section, it is not necessary that

any act or illegal omission shall take place in pursuance thereof.

147. Whoever collects men, arms or ammunition or otherwise prepares to wage war

with the intention of either waging or being prepared to wage war against the Government of India, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

148. Whoever by any act, or by any illegal omission, conceals the existence of a

design to wage war against the Government of India, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

149. Whoever, with the intention of inducing or compelling the President of India, or

Governor of any State, to exercise or refrain from exercising in any manner any of the lawful powers of such President or Governor, assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes, by means of criminal force or the show of criminal force, or attempts so to overawe, such President or Governor, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

150. Whoever, purposely or knowingly, by words, either spoken or written, or by

signs, or by visible representation, or by electronic communication or by use of financial means, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years and shall also be liable to fine.

Explanation.-- Comments expressing disapprobation of the measures, or administrative

or other action of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite the activities referred to in this section.

151. Whoever wages war against the Government of any foreign State at peace with

the Government of India or attempts to wage such war, or abets the waging of such war, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine. Waging, or attempting to wage war, or abetting waging of war, against Government of India.

Conspiracy to

commit offences punishable by section 145.

Collecting

arms, etc., with intention of waging war against Government of India.

Concealing

with intent to facilitate design to wage war.

Assaulting

President Governor, etc., with intent to compel or restrain exercise of any lawful power.

Acts

endangering sovereignty unity and integrity of India.

Waging war

against

Government

of any foreign State at peace

with

Government

of India.⁵

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152. Whoever commits depredation, or makes preparations to commit depredation, on

the territories of any foreign State at peace with the Government of India, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.

153. Whoever receives any property knowing the same to have been taken in the

commission of any of the offences mentioned in sections 151 and 152, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so received.

154. Whoever, being a public servant and having the custody of any State prisoner or

prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

155. Whoever, being a public servant and having the custody of any State prisoner or

prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

156. Whoever knowingly aids or assists any State prisoner or prisoner of war in

escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation . -A State prisoner or prisoner of war, who is permitted to be at large on

his parole within certain limits in India, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

CHAPTER VIII

O

OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

157. Whoever abets the committing of mutiny by an officer, soldier, sailor or airman, in

the Army, Navy or Air Force subject to the Acts referred to in section 165 of the Government of India or attempts to seduce any such officer, soldier, sailor or airman from his allegiance or his duty, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

158. Whoever abets the committing of mutiny by an officer, soldier, sailor or airman, in

the Army, Navy or Air Force of the Government of India, shall, if mutiny be committed in consequence of that abetment, be punished with death or with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

159. Whoever abets an assault by an officer, soldier, sailor or airman, in the Army,

Navy or Air Force of the Government of India, on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. Committing depredation on territories of foreign State at peace with Government of India.

Receiving

property taken by war or depredation mentioned in sections 151 and 152.

Public servant

voluntarily allowing prisoner of state or war to escape.

Public servant

negligently suffering such prisoner to escape.

Aiding escape

of rescuing or harbouring such prisoner.

Abetting

mutiny, or

attempting to

seduce a

soldier, sailor

or airman from his duty.

Abetment of

mutiny, if mutiny is committed in consequence thereof.

Abetment of

assault by soldier, sailor or airman on his superior officer, when in execution of his office.

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160. Whoever abets an assault by an officer, soldier, sailor or airman, in the Army, Navy

or Air Force of the Government of India, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

161. Whoever abets the desertion of any officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

162. Whoever, except as hereinafter excepted, knowing or having reason to believe

that an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, has deserted, harbours such officer, soldier, sailor or airman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

Exception .—This provision does not extend to the case in which the harbour is given by the spouse of the deserter.

163. The master or person in charge of a merchant vessel, on board of which any deserter from the Army, Navy or Air Force of the Government of India is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding three thousand rupees, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

164. Whoever abets what he knows to be an act of insubordination by an officer, soldier, sailor or airman, in the Army, Navy or Air Force, of the Government of India, shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

165. No person subject to the Army Act, 1950 the Indian Navy (Discipline) Act, 1934,

or the Air Force Act, 1950 shall be subject to punishment under this Sanhita for any of the offences defined in this Chapter.

166. Whoever, not being a soldier, sailor or airman in the Army, Naval or Air service of

the Government of India, wears any garb or carries any token resembling any garb or token used by such a soldier, sailor or airman with the intention that it may be believed that he is such a soldier, sailor or airman, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

CHAPTER IX

O

F OFFENCES RELATING TO ELECTIONS

167. For the purposes of this Chapter—

(a) "candidate" means a person who has been nominated as a candidate at any election;

(b) "electoral right" means the right of a person to stand, or not to stand as, or to

withdraw from being, a candidate or to vote or refrain from voting at an election.

168. (1) Whoever—

(i) gives a gratification to any person with the object of inducing him or any

other person to exercise any electoral right or of rewarding any person for having exercised any such right; or Abetment of such assault, if assault committed.

Abetment of

desertion of soldier, sailor or airman.

Harbouring

deserter.

Deserter

concealed on board merchant vessel through negligence of master.

Abetment of

act of insubordination by soldier,

sailor or

airman.

Persons subject

to certain Acts.

Wearing garb

or carrying token used by soldier, sailor or airman.

Candidate,

Electoral right defined.

Bribery. 46 of 1950.

56. of 1950.

57. of 1934.5

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(ii) accepts either for himself or for any other person any gratification as a reward

for exercising any such right or for inducing or attempting to induce any other person to exercise any such right,

commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not

be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification

shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall

be deemed to accept a gratification, and a person who accepts a

gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

169. (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of

any electoral right commits the offence of undue influence at an election.
(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(a) threatens any candidate or voter, or any person in whom a candidate or voter

is interested, with injury of any kind; or

(b) induces or attempts to induce a candidate or voter to believe that he or any

person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or

voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action or the mere exercise or

a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

170. Whoever at an election applies for a voting paper on votes in the name of any

other person, whether living or dead, or in a fictitious name, or who

having voted once at such election applies at the same election for a

voting paper in his own name, and whoever

abets, procures or attempts to procure the voting by any person in any such way, commits

the offence of personation at an election:

Provided that nothing in this section shall apply to a person who has been authorised

to vote as proxy for an elector under any law for the time being in force in so far as he votes

as a proxy for such elector.

171. Whoever commits the offence of bribery shall be punished with imprisonment of

either description for a term which may extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine

only. Explanation. — "Treating" means that form of bribery where the gratification consists

in food, drink, entertainment, or provision.

172. Whoever commits the offence of undue influence or personation at an election

shall be punished with imprisonment of either description for a term which may extend to

one year or with fine, or with both.

173. Whoever with intent to affect the result of an election makes or publishes any

statement purporting to be a statement of fact which is false and which he either knows or

believes to be false or does not believe to be true, in relation to the personal character or

conduct of any candidate shall be punished with fine. Undue influence at elections.

Personation at

elections.

Punishment

for bribery.

Punishment

for undue influence or

personation at

an election.

False

statement in connection with an election.5

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174. Whoever without the general or special authority in writing of a candidate incurs

or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way

whatsoever for the purpose of

promoting or procuring the election of such candidate, shall be punished with fine which

may extend to ten thousand rupees:

Provided that if any person having incurred any such expenses not exceeding the

amount of ten rupees without authority obtains within ten days from the date on which such

expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

175. Whoever being required by any law for the time being in force or any rule having

the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five thousand

rupees.

CHAPTER X

O

F OFFENCES RELATING TO COIN, CURRENCY NOTES , BANK NOTES , AND GOVERNMENT STAMPS

176. Whoever counterfeits, or knowingly performs any part of the process of

counterfeiting, any coin, stamp issued by Government for the purpose of revenue, currency-note or bank-note, shall be punished with imprisonment for life, or with imprisonment of

either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation .-For the purposes of this Chapter,-

(1) the expression "bank-note" means a promissory note or engagement for the

payment of money to bearer on demand issued by any person carrying on the business

of banking in any part of the world, or issued by or under the authority of any State or

Sovereign Power, and intended to be used as equivalent to, or as a substitute for money;

(2) "coin" shall have the same meaning assigned to it in section 2 of the Coinage

Act, 2011 and includes metal used for the time being as money and is stamped and

issued by or under the authority of any State or Sovereign Power intended to be so

used;

(3) a person commits the offence of "counterfeiting Government stamp" who counterfeits by causing a genuine stamp of one denomination to appear like a genuine

stamp of a different denomination;

(4) a person commits the offence of counterfeiting coin who intending to practice

deception, or knowing it to be likely that deception will thereby be practiced, causes a

genuine coin to appear like a different coin; and

(5) the offence of "counterfeiting coin" includes diminishing the weight or

alteration of the composition, or alteration of the appearance of the coin.

177. Whoever sells or delivers to, or buys or receives from, any other person, or

otherwise traffics or uses as genuine, any forged or counterfeit coin, stamp issued by

Government for the purpose of revenue, currency-note or bank-note, knowing or having

reason to believe the same to be forged or counterfeit, shall be punished with imprisonment

for life, or with imprisonment of either description for a term which may extend to ten years,

and shall also be liable to fine.

178. Whoever has in his possession any forged or counterfeit coin, stamp issued by

Government for the purpose of revenue, currency-note or bank-note, knowing or having

reason to believe the same to be forged or counterfeit and intending to use the same as

genuine or that it may be used as genuine, shall be punished with imprisonment of either

description for a term which may extend to seven years, or with fine, or with both. Illegal

payments in connection with an election.

Failure to keep

election accounts.

Counterfeiting

coin, Government stamps, currency-notes or bank-notes.

Using as

genuine, forged

or counterfeit

coin, Government

stamp,

currency-notes
or bank-notes.
Possession of
forged or
counterfeit
coin,
Governmentstamp,
currency-notes
or bank-notes.11 of 2011.5

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179. Whoever makes or mends, or performs any part of the process of making or

mending, or buys or sells or disposes of, or has in his possession, any machinery, die,

instrument or material for the purpose of being used, or knowing or having reason to believe

that it is intended to be used, for forging or counterfeiting any coin, stamp issued by

Government for the purpose of revenue, currency-note or bank-note, shall be punished with

imprisonment for life, or with imprisonment of either description for a term which may extend

to ten years, and shall also be liable to fine.

180. (1) Whoever makes, or causes to be made, or uses for any purpose whatsoever,

or delivers to any person, any document purporting to be, or in any way resembling, or so

nearly resembling as to be calculated to deceive, any currency-note or bank-note shall be

punished with fine which may extend to three hundred rupees.

(2) If any person, whose name appears on a document the making of which is an

offence under sub-section (1), refuses, without lawful excuse, to disclose to a police-officer

on being so required the name and address of the person by whom it was printed or otherwise

made, he shall be punished with fine which may extend to six hundred rupees.

(3) Where the name of any person appears on any document in respect of which any

person is charged with an offence under sub-section (1) or on any other document used or

distributed in connection with that document it may, until the contrary is proved, be presumed

that the person caused the document to be made.

181. Whoever, fraudulently or with intent to cause loss to the Government, removes or

effaces from any substance, bearing any stamp issued by Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

182. Whoever, fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

183. Whoever, fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by Government for the purpose of revenue, any mark, put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession or sells or disposes of any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

184. (1) Whoever—

(a) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly

uses for any postal purpose any fictitious stamp; or

(b) has in his possession, without lawful excuse, any fictitious stamp; or

(c) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp, Making or possessing

instruments or

materials for

forging or counterfeiting

coin,

Government

stamp,

currency-notes or bank-notes.

Making or

using

documents

resembling

currency-notes or bank-notes..

Effacing

writing from

substance bearing

Government

stamp, or

removing

document a

stamp used for
it, with intent to cause loss to
Government.

Using
Government
stamp known
to have been
before used.
Erasure of
mark denoting
that stamp has
been used.

Prohibition of
fictitious
stamps.5

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shall be punished with fine which may extend to two hundred rupees.

(2) Any such stamp, die, plate, instrument or materials in the possession
of any person
for making any fictitious stamp may be seized and, if seized shall be
forfeited.

(3) In this section "fictitious stamp" means any stamp falsely purporting
to be issued

by Government for the purpose of denoting a rate of postage, or any
facsimile or imitation or
representation, whether on paper or otherwise, of any stamp issued by
Government for that purpose.

(4) In this section and also in sections 176 to 179, and sections 181 to
183 both

inclusive, the word "Government", when used in connection with, or in
reference to any

stamp issued for the purpose of denoting a rate of postage, shall,
notwithstanding anything

in clause (11) of section 2, be deemed to include the person or persons
authorised by law to

administer executive Government in any part of India or in any foreign
country.

185. Whoever, being employed in any mint lawfully established in India,
does any act,

or omits what he is legally bound to do, with the intention of causing any
coin issued from

that mint to be of a different weight or composition from the weight or
composition fixed by

law, shall be punished with imprisonment of either description for a term
which may extend to seven years, and shall also be liable to fine.

186. Whoever, without lawful authority, takes out of any mint, lawfully
established in

India, any coining tool or instrument, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

C

HAPTER XI

OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY

187. (1) An assembly of five or more persons is designated an "unlawful assembly", if

the common object of the persons composing that assembly is –

(a) to overawe by criminal force, or show of criminal force, the Central Government

or any State Government or Parliament or the Legislature of any State, or any public

servant in the exercise of the lawful power of such public servant; or

(b) to resist the execution of any law, or of any legal process; or

(c) to commit any mischief or criminal trespass, or other offence; or

(d) by means of criminal force, or show of criminal force, to any person, to take or

obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession

or enjoyment, or to enforce any right or supposed right; or

(e) by means of criminal force, or show of criminal force, to compel any person to

do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation .—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

(2) Whoever, being aware of facts which render any assembly an unlawful assembly,

intentionally joins that assembly, or continues in it, is said to be a member of an unlawful

assembly and such member shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(3) Whoever joins or continues in an unlawful assembly, knowing that such unlawful

assembly has been commanded in the manner prescribed by law to disperse, shall be punished

with imprisonment of either description for a term which may extend to two years, or with

fine, or with both. Person

employed in mint causing

coin to be of

different

weight or

composition

from that

fixed by law.

Unlawfully

taking coining

instrument from mints.

Unlawful

assembly.5

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(4) Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(5) Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Explanation .—If the assembly is an unlawful assembly within the meaning of

sub-section (1), the offender shall be punishable under sub-section (3).

(6) Whoever hires or engages, or employs, or promotes, or connives at the hiring,

engagement or employment of any person to join or become a member of any unlawful

assembly, shall be punishable as a member of such unlawful assembly, and for any offence

which may be committed by any such person as a member of such unlawful assembly in pursuance of such hiring, engagement or employment, in the same manner as if he had been

a member of such unlawful assembly, or himself had committed such offence.

(7) Whoever harbours, receives or assembles, in any house or premises in his

occupation or charge, or under his control any persons knowing that such persons have

been hired, engaged or employed, or are about to be hired, engaged or employed, to join or

become members of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(8) Whoever is engaged, or hired, or offers or attempts to be hired or engaged, to do or

assist in doing any of the acts specified in sub-section (1), shall be punished with imprisonment

of either description for a term which may extend to six months, or with fine, or with both.

(9) Whoever, being so engaged or hired as referred to in sub-section (8), goes armed,

or engages or offers to go armed, with any deadly weapon or with anything which used as a weapon of offence is likely to cause death, shall be

punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

188. If an offence is committed by any member of an unlawful assembly in prosecution

of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence

189. (1) Whenever force or violence is used by an unlawful assembly, or by any

member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

(2) Whoever is guilty of rioting, shall be punished with imprisonment of either

description for a term which may extend to two years, or with fine, or with both.

(3) Whoever is guilty of rioting, being armed with a deadly weapon or with anything

which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

190. Whoever maliciously, or wantonly by doing anything which is illegal, gives

provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both. Every

member

of unlawful

assembly guilty

of offence

committed in prosecution of

common

object.

Rioting.

Wantonly

giving

provocation with intent to

cause riot-if

rioting be

committed; if

not

committed.5

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191. (1) Whenever any unlawful assembly or riot takes place, the owner or occupier of

the land upon which such unlawful assembly is held, or such riot is committed, and any person having or claiming an interest in such land, shall be punishable with fine not exceeding one thousand rupees, if he or his agent or manager, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his or their power to the officer in charge at the nearest police-station, and do not, in the case of his or their having reason to believe that it was about to be committed, use all lawful means in his or their power to prevent it and, in the event of it taking place, do not use all lawful means in his or their power to disperse or suppress the riot or unlawful assembly.

(2) Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to be committed or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for suppressing and dispersing the same.

(3) Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same.

192. (1) When two or more persons, by fighting in a public place, disturb the public peace, they are said to commit an affray.

(2) Whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

193. (1) Whoever assaults or obstructs any public servant or uses criminal force on any public servant in the discharge of his duty in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which shall not be less than twenty-five thousand rupees, or with both.

(2) Whoever threatens to assault or attempts to obstruct any public servant or threaten or attempts to use criminal force to any public servant in the discharge of his duty in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

194. (1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or through electronic communication or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or Liability of owner, occupier, etc., of land on which an unlawful assembly or riot takes place. Affray. Assaulting or obstructing public servant when suppressing riot, etc. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. 5

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(b) commits any act which is prejudicial to the maintenance of harmony between

different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility; or

(c) organises any exercise, movement, drill or other similar activity intending that

the participants in such activity shall use or be trained to use criminal force or violence

or knowing it to be likely that the participants in such activity will use or be trained to

use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants

in such activity will use or be trained to use criminal force or violence, against any

religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of

insecurity amongst members of such religious, racial, language or regional group or

caste or community,

shall be punished with imprisonment which may extend to three years, or with fine, or with

both.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship

or in any assembly engaged in the performance of religious worship or

religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable

to fine.

195. (1) Whoever, by words either spoken or written or by signs or by visible

representations or through electronic communication or otherwise,—

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or

caste or community, bear true faith and allegiance to the Constitution of India as by law

established or uphold the sovereignty and integrity of India; or

(b) asserts, counsels, advises, propagates or publishes that any class of persons

shall, by reason of their being members of any religious, racial, language or regional

group or caste or community, be denied, or deprived of their rights as citizens of India; or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the

obligation of any class of persons, by reason of their being members of any religious,

racial, language or regional group or caste or community, and such assertion, counsel,

plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or

ill-will between such members and other persons; or

(d) makes or publishes false or misleading information jeopardising the

sovereignty unity and integrity or security of India,
shall be punished with imprisonment which may extend to three years, or
with fine, or with
both.

(2) Whoever commits an offence specified in sub-section (1) in any place
of worship
or in any assembly engaged in the performance of religious worship or
religious ceremonies,
shall be punished with imprisonment which may extend to five years and
shall also be liable
to fine.