

Indian Penal Code 1860

Section 1. Title and extent of operation of the Code

Act No. 45 of 1860.

This Act shall be called the Indian Penal Code, and shall '[extend to the whole of India '[except the State of Jammu and Kashmir].]

1. The original words have successively been amended by Act 12 of 1891, sec. 2 and Sch. I, the A.O. 1937, the A.O. 1948 and the A.O. 1950 to read as above.

2. Subs. by Act 3 of 1951, sec. 3 and Sch., for "except Part B States".

Section 2. Punishment of offences committed within India

Every person shall be liable punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which, he shall be guilty within '[India] '[***].

1. The original words "the said territories" have successively been amended by the A.O. 1937, the A.O. 1948, the A.O. 1950 and Act 3 of 1951, sec. 3 and Sch., to read as above.

2. The words and figures "on or after the said first day of May, 1861" rep. by Act 12 of 1891, sec. 2 and Sch. I.

Section 3. Punishment of offences committed beyond, but which by law may be tried

within, India

Any person liable, by any '(Indian law) to be tried for an offence committed beyond '(India) shall be dealt with according to the provisions of this Code for any act committed beyond '(India) in the same manner as if such act had been committed within '[India].

1. Subs. by the A.O. 1937 for "law passed by the Governor General of India in Council".

2. The original words "the limits of the said territories" have successively been amended by the A.O. 1937, the A.O. 1948, the A.O. 1950 and Act 3 of 1951, sec. 3 and Sch., to read as above.

3. The original words "the said territories" have successively been amended by the A.O. 1937, the A.O. 1948, the A.O. 1950 and Act 3 of 1951, sec. 3 and Sch., to read as above.

Section 4. Extension of Code to extra-territorial offences

'[4. Extension of Code to extra-territorial offences.

The provisions of this Code apply also to any offence committed by

- ²[(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.]

Explanation. -In this section the word “offence” includes every act committed outside ³[India] which, If committed in ³[India], would be punishable under this code.

⁴[Illustration]

⁵[*** A, ⁶[who is ⁷[a citizen of India]], commits a murder in Uganda. He can be tried and convicted of murder in any place in ³[India] in which he may be found.

⁸[* * *]

1 Subs. by Act 4 of 1898, sec. 2, for the original section.

2 Subs. by the A.O. 1950, for clauses (1) to (4).

3 The words “British India” have been successively amended by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, sec. 3 and Sch. to read as above.

4 Subs. by Act 36 of 1957, sec. 3 and Sch. II, for “Illustrations” (w.e.f. 17-9-1957).

5 The brackets and letter “(a)” omitted by Act 36 of 1957, sec. 3 and Sch. II (w.e.f. 17-9-1957).

6 Subs. by the A.O. 1948, for “a coolie, who is a Native Indian subject”.

7 Subs. by the A.O. 1950, for “a British subject of Indian domicile”.

8 Illustrations (b), (c) and (d) omitted by the A.O. 1950.

Section 5. Certain laws not to be affected by this Act

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 provisions of any special or local law.

1. Subs. by the A.O. 1950, for the original section.

Section 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 can not 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”.

Section 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.

Section 8. Gender

The pronoun “he” and its derivatives are used of any person, whether male or female.

Section 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.

Section 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.

Section 11. Person

The word “person” includes any Company or Association or body of persons, whether incorporated or not.

Section 12. Public

The word “public” includes any class of the public or any community.