

28. *Bilal Ahmed Kaloo v State of AP*, [AIR 1997 SC 3483](#) [[LNIND 1997 SC 1060](#)] : 1997 Cr LJ 4091

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29. *Balwant Singh v State of Punjab*, [AIR 1995 SC 1785](#) [[LNIND 1995 SC 1420](#)] : 1995 AIR SCW 2803 : [\(1995\) 3 SCC 214](#) [[LNIND 1995 SC 1420](#)] .

30. *Sunilakhya Chowdhury v HM Jadwet*, [AIR 1968 Cal 266](#) [[LNIND 1967 CAL 167](#)] .

## THE INDIAN PENAL CODE

### CHAPTER XXII OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

#### [s 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.

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 <sup>31.</sup> [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.

#### STATE AMENDMENTS

**Uttar Pradesh.**—*The following amendments were made by Notification No. 777/VIII 9-4(2)-87, dated 31-7-1989, published in U.P. Gazette, Extra, Part-4, Section (Kha) dated 2-8-1989.*

"Any offence punishable under section 506, (IPC, 1860), when committed in any district of Uttar Pradesh, shall be notwithstanding anything contained in the [Code of Criminal Procedure, 1973](#) (Cr PC, 1973) be cognizable and non-bailable."

**Andhra Pradesh.**—*In Andhra Pradesh the offence is non-bailable if committed in A.P. vide G.O. Ms. No. 732, dated 5-12-1991.*

#### COMMENT.—

Where a person entered the victim's house during midnight armed with a knife and threatened with death anyone who came between himself and the victim, the offence under this section was held to have been made out.<sup>32.</sup> The threat must be real in the sense that the accused means what he says and the victim of the threat should feel threatened actually.<sup>33.</sup> Where the accused made his outburst on a public servant when he was on the way to attend his office saying that he was going to kill him, it was held that it was sufficient to hold that the act will fall under section 506.<sup>34.</sup>

#### [s 506.1] Mere words.—

In order to attract the ingredients of section 506, (IPC, 1860) the intention of the accused must be to cause alarm to the victim. Mere expression of words, without any intention to cause alarm, would not suffice.<sup>35.</sup> In *Amulya Kumar Behera v Nabaghana Behera*,<sup>36.</sup> it was held that intention of the accused must be to cause alarm to the victim and whether he is alarmed or not is of no consequence. However, mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of section 506.

In absence of basic ingredients of the section in the complaint, no case under section 506 (IPC, 1860) can be sustained.<sup>37</sup> Where all the witnesses have stated in specific terms that the accused came prepared and intimidated the complainant and also other witnesses. All the respondents are liable to be convicted for the offence punishable under section 506 of the (IPC, 1860).<sup>38</sup>

Where it was found that that the accused issued no threats to the complainant so as to cause death or grievous hurt, it was held that mere exhortation to his co-accused to finish him, did not amount to threat. His conviction under section 506 was set aside.<sup>39</sup>

Asking a person not to work in a private garden and threatening him to go away from the garden would not satisfy the requirements of the section.<sup>40</sup>

The statements said to have been made against accused six months prior to the death of the deceased with regard to the offence under section 506. (IPC, 1860) cannot be treated as admissible under [section 32\(1\) of the Indian Evidence Act, 1872](#).<sup>41</sup>

### **[s 506.2] Part-I Non-cognizable.—**

Since the part 1 of section 506 is not cognizable, the permission of the Magistrate would be required to try the applicants under said section.<sup>42</sup>

31. Subs. by Act 26 of 1955, section 117 and Sch, for transportation for life (w.e.f. 1 January 1956).

32. *Ghanshyam v State of MP*, [1990 Cr LJ 1017](#) (MP).

33. *Noble Mohandas v State of TN*, [1989 Cr LJ 669](#) (Mad). Threatening and giving fist blow to a surgeon of a Government hospital, held offence under the section, *Siyasaran v State of MP*, [1995 Cr LJ 2126](#) (SC).

34. *Rajendra Datt v State of Haryana*, [1993 Cr LJ 1025](#) (P&H).

35. *Tammineedi Bhaskara Rao v State of AP*, [2007 Cr LJ 1204](#) (AP).

36. *Amulya Kumar Behera v Nabaghana Behera*, [1995 Cr LJ 3559](#) (Ori).

37. *Gorige Pentaiah v State of AP*, [2009 Cr LJ 350](#) : 2008 (12) SCC 531 [[LNINDORD 2008 SC 247](#)]

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38. *State of Maharashtra v Tatyaba Bajirao Jadhav*, [2011 Cr LJ 2717](#) (Bom); *State of HP v Vijay Kumar* [2010 Cr LJ 475](#) .

39. *Mohinder Singh v State of Haryana*, [1993 Cr LJ 85](#) (P&H). *Dimpey Gujral v Union Territory* 2013, [AIR 2013 SC 518](#) : Cr LJ 520; *Surat Singh v State*, [2013 \(1\) Scale 1](#) [[LNIND 2012 SC 837](#)] .

40. *Saraswathi v State of TN*, [2002 Cr LJ 1420](#) (Mad). *Sanjay Pandey v Chhaganlal J Jain*, [2001 Cr LJ 2127](#) (Bom).

41. *D Vijay Kumar v State of AP*, [2010 Cr LJ 968](#) (AP).

42. *Narendra Bhojram Patil v State of Maharashtra*, [2010 Cr LJ 2762](#) (Bom). See also *Vishwajit P Rane v State of Goa*, [2011 Cr LJ 1289](#) (Bom), Government of Goa issued a notification declaring offence punishable under section 506 of the (IPC, 1860) committed within State of Goa, as

cognizable and non-bailable. Held, there is no power vesting in the State Government to amend the First Schedule to the [Criminal Procedure Code, 1973](#) (2 of 1974) by issuing a notification.

## THE INDIAN PENAL CODE

### CHAPTER XXII OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

#### [s 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.

#### STATE AMENDMENT

Andhra Pradesh.—*In Andhra Pradesh the offence is cognizable vide G.O. Ms. No. 732, dated 5-12-1991.*

#### COMMENT.—

For a conviction under this section it must be shown that the accused committed criminal intimidation by an anonymous communication.<sup>43.</sup>

<sup>43.</sup> *Doraiswamy Ayyar*, (1924) 48 Mad 774.

## THE INDIAN PENAL CODE

### CHAPTER XXII OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

**[s 508] Act caused by inducing person to believe that he will be rendered an object of 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.**

#### 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.

#### COMMENT.—

This section is intended to prevent such practices as *dharna* and *traga*.

## THE INDIAN PENAL CODE

### CHAPTER XXII OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

#### [s 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, <sup>44</sup> [shall be punished with simple imprisonment for a term which may extend to three years, and also with fine].

#### COMMENT.—

If a man intending to outrage the modesty of a woman exposes his person indecently to her or uses obscene words intending that she should hear them or exhibits to her obscene drawing, he commits this offence.

#### [s 509.1] Ingredients.—

This section requires:—

1. Intention to insult the modesty of a woman.
2. The insult must be caused
  - (i) by uttering any word or making any sound or gesture, or exhibiting any object intending that such word or sound shall be heard or that the gesture or object shall be seen by such woman, or
  - (ii) by intruding upon the privacy of such woman.

The burden is on the prosecution to prove that the accused had uttered the words or made the sound or gesture and that such word, sound or gesture was intended by the accused to be heard or seen by some woman. Normally, it is difficult to establish this and, seldom, a woman files complaint and often the wrong doers are left unpunished even if complaint is filed since there is no effective mechanism to monitor and follow up such acts. <sup>45</sup>

#### [s 509.2] Indecent overtures.—

Section 509 (IPC, 1860) criminalises a 'word, gesture or act intended to insult the modesty of a woman' and in order to establish this offence it is necessary to show that the modesty of a particular woman or a readily identifiable group of women has been insulted by a spoken word, gesture or physical act. Clearly, this offence cannot be made out when the complainants' grievance is with the publication of what the appellant had stated in a written form. <sup>46</sup>

The modesty contemplated under section 509 is to be understood as the "womanly propriety of behaviour".<sup>47</sup>.

44. Subs. by the [Criminal Law \(Amendment\) Act, 2013](#) (13 of 2013), section 10 (w.e.f. 3 February 2013) for the words "shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both."

45. *Deputy Inspector General of Police v S Samuthiram*, [AIR 2013 SC 14](#) [[LNIND 2012 SC 755](#)] : [\(2013\) 1 SCC 598](#) [[LNIND 2012 SC 755](#)] .

46. *S Khushboo v Kanniammal*, [AIR 2010 SC 3196](#) [[LNIND 2010 SC 411](#)] : [2010 Cr LJ 2828](#) (SC) : [2010 \(5\) SCC 600](#) [[LNIND 2010 SC 411](#)] .

47. *Aloshia Joseph v Joseph Kollamparambil*, [2009 Cr LJ 2190](#) ; *Maloji Patil v State of Goa*, [2009 Cr LJ 903](#) (Bom); *Santha v State*, [2006 \(1\) Ker LT 249](#) - whether a lady, can be convicted for an offence under section 509 ([IPC, 1860](#))



## THE INDIAN PENAL CODE

### CHAPTER XXII OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

#### [s 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.

#### COMMENT.—

**Ingredients.**—This section requires two things:—

1. Appearance of a person in a state of intoxication in

- (i) any public place, or
- (ii) any place which it is a trespass in him to enter.

2. The person so appearing must have conducted himself in such a manner as to cause annoyance to any person.

# THE INDIAN PENAL CODE

## CHAPTER XXIII OF ATTEMPTS TO COMMIT OFFENCES

**[s 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<sup>1</sup>. with <sup>1</sup> [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<sup>2</sup>. for the punishment of such attempt, be punished with <sup>2</sup> [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.

### COMMENT.—

Before completion of crime, human mind has to pass four steps as under:—

- (1) Intention to commit;
- (2) Preparation to commit it;
- (3) Attempt to commit it; and
- (4) If the attempt is successful, then crime is complete.

[Section 511 Indian Penal Code, 1860 \(IPC, 1860\)](#) is a general provision dealing with the attempts to commit offences and not made punishable by other specific section. It makes punishable all attempts to commit offences punishable with imprisonment and not only those punishable for life or death.<sup>3</sup>

A person commits the offence of 'attempt to commit a particular offence' when (i) he intends to commit that particular offence; and (ii) he, having made preparations and with the intention to commit the offence, does an act towards its commission; such an act need not be the penultimate act towards the commission of that offence, but must be an act during the course of committing that offence, [section 511, IPC, 1860](#) is attracted.<sup>4</sup> An attempt to commit an offence is an act, or a series of acts, which leads inevitably to the commission of the offence, unless something, which the doer of the