The Indian Penal Code, 1860

**OF OFFENCES AGAINST PROPERTY Of theft**

**Following are the IPC acts that cover - OFFENCES AGAINST PROPERTY Of theft**

**IPC section 378. Theft**.—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.

**Explanations for the IPC act 378**

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 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.

**Below are the illustrations for the IPC act 378**

(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.

(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 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 B's possession. Here, as A does not take dishonestly, he does not commit theft.

**IPC section 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

. ► **Bona fide removal of property.**—The removal of property in the bona fide exercise of right is a good defence, Survari Sanyasi Apparao v. Boddepalli Lakshminarayana, 1961 SCC OnLine SC 68.

**STATE AMENDMENTS SECTION 379-A AND SECTION 379-B**

**States have made amendments to section 379-A and 379-B**

**Gujarat**.—In its application to the State of Gujarat, after Section 379, the following sections shall be inserted, namely:— “379-A. Snatching.—

(1) Whoever, with the intention to commit theft, suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person or from his physical possession any moveable property, and makes or attempt to make escape with such property, is said to commit snatching.

(2) Whoever attempts to commit snatching 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 with fine which may extend to twenty five thousand rupees.

(3) Whoever commits snatching 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 with fine which may extend to twenty five thousand rupees.

(4) Whoever, after committing or attempting to commit snatching, causes hurt or wrongful restraint or fear of hurt, in order to effect his escape shall be punished with rigorous imprisonment for a term which may extend to three years, in addition to the punishment provided for the offence of snatching by the preceding sub-sections. 379-B. Snatching after preparation made for causing death, hurt or restraint in order to the committing of the snatching.— Whoever commits or attempts to commit snatching, 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 snatching, or in order to the retaining of property taken by such snatching, 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 with fine which may extend to twenty five thousand rupees.”. [Vide Guj. Act 6 of 2019, S. 2, assented on 21-5- 2019]

**Haryana**.—In its application to the State of Haryana, after Section 379, the following sections shall be inserted, namely:—

“379-A. Snatching.—(1) Whoever, with the intention to commit theft, suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person or from his possession any moveable property, and makes or attempts to make escape with such property, is said to commit snatching. Whoever, commits snatching, 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 of Rupees Twenty five thousand.

379-B. Snatching with hurt, wrongful restraint or fear of hurt. Whoever, in order to commit snatching, or in committing the snatching, causes hurt or wrongful restraint or fear of hurt; or after committing the offence of snatching, causes hurt or wrongful restraint or fear of hurt in order to effect his escape, shall be punished with rigorous imprisonment which shall not be less than ten years but which may extend to fourteen years, and shall also be liable to fine of Rupees Twenty five thousand.” [Vide Penal Code (Haryana Amendment) Act, 2014 (Haryana Act No. 18 of 2015), S. 2.]

**Punjab**.—In its application to the State of Punjab, after Section 379, the following sections shall be inserted, namely— “379-A. Snatching.—Whoever, with the intention to commit theft, suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person or from his possession any moveable property, and makes or attempts to make escape with such property, is said to commit snatching. 379-B. Punishment for snatching.—(1) Whoever, commits snatching, shall be punished with 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 of rupees ten thousand. (2) If in order to the committing of snatching, or in committing the snatching, the offender causes hurt, or wrongful restraint or fear of hurt or after committing the offence of snatching, causes hurt or wrongful restraint or fear of hurt in order to effect his escape, shall be punished with imprisonment for a term, which shall not be less than ten years and shall also be liable to fine of rupees ten thousand.”. [Vide: Punjab Act 31 of 2014, S. 2, dt. 5-11-2014].

**Union Territory of Chandigarh**.—In its application to the Union Territory of Chandigarh, after Section 379, the following sections shall be inserted, namely:— “379-A. Snatching.—(1) Whoever, with the intention to commit theft, suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person or from his possession any moveable property, and makes or attempts to make escape with such property, is said to commit snatching. Whoever, commits snatching, 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 of Rupees Twenty five thousand. 379-B. Snatching with hurt, wrongful restraint or fear of hurt. Whoever, in order to commit snatching, or in committing the snatching, causes hurt or wrongful restraint or fear of hurt; or after committing the offence of snatching, causes hurt or wrongful restraint or fear of hurt in order to effect his escape, shall be punished with rigorous imprisonment which shall not be less than ten years but which may extend to fourteen years, and shall also be liable to fine of Rupees Twenty five thousand.” [Vide G.S.R. 383(E), dated 29-5-2019 (w.e.f. 29-5-2019).]

**IPC Section 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.

STATE AMENDMENTS for IPC section 380 Tamil Nadu.—In its application to the State of Tamil Nadu, Section 380 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:— “(2) Whoever commits theft in respect of any idol or icon in any building used as a place of worship shall be punished with rigorous imprisonment for a term which shall not be less than two years but which may extend to three years and with fine which shall not be less than two thousand rupees: 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 two years.” [Vide Tamil Nadu Act 28 of 1993, S. 2 (w.e.f. 13-7-1993).]

**IPC section 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.

**IPC section 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 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** for **IPC section 382**

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. 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.

**IPC sections covering cases of – Extortion**

**IPC section 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 for IPC section 383**

(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 money 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.

► Inquiry.—The injury need not necessarily be physical. Even a terror of a criminal charge whether true or false amounts to a fear of injury, Habib Khan v. State, 1951 SCC OnLine Pat 121 : AIR 1952 Pat 379 : 53 Cri LJ 1391. ► Property.—The word ‘property’ in Section 383, IPC means both movable and immovable property, Hyderabad State v. Beerappa, 1951 SCC OnLine Hyd 41 : AIR 1951 Hyd 91 : 52 Cri LJ 912 (FB).

**IPC section 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.

**IPC section** **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.

**IPC section** **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.

**IPC section 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

**IPC section 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 398[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; and, if the offence be one punishable under Section 377 of this Code, may be punished with 399[imprisonment for life].

**IPC section 389**. Putting person in fear of 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 400[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 401[imprisonment for life].