



Indian Penal Code



THE INDIAN PENAL CODE

ARRANGEMENT OF SECTIONS

CHAPTER I

INTRODUCTION

PREAMBLE

SECTIONS

1. Title and extent of operation of the Code.
2. Punishment of offences committed within India.
3. Punishment of offences committed beyond, but which by law may be tried within, India.
4. Extension of Code to extra-territorial offences.
5. Certain laws not to be affected by this Act.

CHAPTER II

GENERAL EXPLANATIONS

6. Definitions in the Code to be understood subject to exceptions.
7. Sense of expression once explained.
8. Gender.
9. Number.
10. "Man". "Woman".
11. "Person".
12. "Public".
13. *[Omitted.]*
14. "Servant of Government".
15. *[Repealed.]*
16. *[Repealed.]*
17. "Government".
18. "India".
19. "Judge".
20. "Court of Justice".
21. "Public servant".
22. "Moveable property".
23. "Wrongful gain".
"Wrongful loss".
Gaining wrongfully/ Losing wrongfully.
24. "Dishonestly".
25. "Fraudulently".
26. "Reason to believe".
27. Property in possession of wife, clerk or servant.
28. "Counterfeit".
29. "Document".
- 29A. "Electronic record".
30. "Valuable security".
31. "A will".
32. Words referring to acts include illegal omissions.
33. "Act".
"Omission".
34. Acts done by several persons in furtherance of common intention.
35. When such an act is criminal by reason of its being done with a criminal knowledge or intention.
36. Effect caused partly by act and partly by omission.
37. Co-operation by doing one of several acts constituting an offence.

SECTIONS

- 38. Persons concerned in criminal act may be guilty of different offences.
- 39. "Voluntarily".
- 40. "Offence".
- 41. "Special law".
- 42. "Local law".
- 43. "Illegal".
"Legally bound to do".
- 44. "Injury".
- 45. "Life".
- 46. "Death".
- 47. "Animal".
- 48. "Vessel".
- 49. "Year".
"Month".
- 50. "Section".
- 51. "Oath".
- 52. "Good faith".
- 52A. "Harbour".

CHAPTER III OF PUNISHMENTS

- 53. Punishments.
- 53A. Construction of reference to transportation.
- 54. Commutation of sentence of death.
- 55. Commutation of sentence of imprisonment for life.
- 55A. Definition of "appropriate Government".
- 56. *[Repealed.]*
- 57. Fractions of terms of punishment.
- 58. *[Repealed.]*
- 59. *[Repealed.]*
- 60. Sentence may be (in certain cases of imprisonment) wholly or partly rigorous of simple.
- 61. *[Repealed.]*
- 62. *[Repealed.]*
- 63. Amount of fine.
- 64. Sentence of imprisonment for non-payment of fine.
- 65. Limit to imprisonment for non-payment of fine, when imprisonment and fine awardable.
- 66. Description of imprisonment for non-payment of fine.
- 67. Imprisonment for non-payment of fine, when offence punishable with fine only.
- 68. Imprisonment to terminate on payment of fine.
- 69. Termination of imprisonment on payment of proportional part of fine.
- 70. Fine leviable within six years, of during imprisonment. Death not to discharge property from liability.
- 71. Limit of punishment of offence made up of several offences.
- 72. Punishment of person guilty of one of several offences, the judgment stating that is doubtful of which.
- 73. Solitary confinement.
- 74. Limit of solitary confinement.
- 75. Enhanced punishment for certain offences under Chapter XII or Chapter XVII after previous conviction.

CHAPTER IV

GENERAL EXCEPTIONS

- 76. Act done by a person bound, or by mistake of fact believing himself bound, by law.
- 77. Act of Judge when acting judicially.
- 78. Act done pursuant to the judgment or order of Court.
- 79. Act done by a person justified, or by mistake of fact believing himself justified, by law.
- 80. Accident in doing a lawful act.
- 81. Act likely to cause harm, but done without criminal intent, and to prevent other harm.

SECTIONS

82. Act of a child under seven years of age.
83. Act of a child above seven and under twelve of immature understanding.
84. Act of a person of unsound mind.
85. Act of a person incapable of judgment by reason of intoxication caused against his will.
86. Offence requiring a particular intent or knowledge committed by one who is intoxicated.
87. Act not intended and not known to be likely to cause death or grievous hurt, done by consent.
88. Act not intended to cause death, done by consent in good faith for person's benefit.
89. Act done in good faith for benefit of child or insane person, by or by consent of guardian.
Provisos.
90. Consent known to be given under fear or misconception.
Consent of insane person.
Consent of child.
91. Exclusion of acts which are offences independently of harm caused.
92. Act done in good faith for benefit of a person without consent.
Provisos.
93. Communication made in good faith.
94. Act to which a person is compelled by threats.
95. Act causing slight harm.

Of the Right of Private Defense

96. Things done in private defence.
97. Right of private defence of the body and of property.
98. Right of private defence against the act of a person of unsound mind. etc.
99. Acts against which there is no right of private defence.
Extent to which the right may be exercised.
100. When the right of private defence of the body extends to causing death.
101. When such right extends to causing any harm other than death.
102. Commencement and continuance of the right of private defence of the body.
103. When the right of private defence of property extends to causing death.
104. When such right extends to causing any harm other than death.
105. Commencement and continuance of the right of private defence of property.
106. Right of private defence against deadly assault when there is risk of harm to innocent person.

CHAPTER V

OF ABETMENT

107. Abetment of a thing.
108. Abettor.
- 108A. Abetment in Indian of offences outside India.
109. Punishment of a abetment if the act abetted is committed in consequence and when no express provision is made for its punishment.
110. Punishment of abetment if person abetted does act with different intention from that of abettor.
111. Liability of abettor when one act abetted and different act done.
112. Abettor when liable to cumulative punishment for act abetted and for act done.
113. Liability of abettor for an effect caused by the act abetted different from that intended by the abettor.
114. Abettor present when offence is committed.
115. Abetment of offence punishable with death or imprisonment for life.—if offence not committed.
if act causing harm be done in consequence.
116. Abetment of offence punishable with imprisonment.—if offence be not committed.
if abettor or person abetted be a public servant whose duty it is to prevent offence.
117. Abetting commission of offence by the public or by more than ten persons.
118. Concealing design to commit offence punishable with death or imprisonment for life.
If offence be committed;
if offence be not committed.
119. Public servant concealing design to commit offence which it is his duty to prevent.
if offence be committed;
if offence be punishable with death, etc.
if offence be not committed.
120. Concealing design to commit offence punishable with imprisonment.
if offence be committed;
if offence be not committed.

CHAPTER VA

CRIMINAL CONSPIRACY

- 120A. Definition of criminal conspiracy.

SECTIONS

120B. Punishment of criminal conspiracy.

CHAPTER VI OF OFFENCES AGAINST THE STATE

- 121. Waging, or attempting to wage war, or abetting waging of war, against the Government of India.
- 121A. Conspiracy to commit offences punishable by section 121.
- 122. Collecting arms, etc., with intention of waging war against the Government of India.
- 123. Concealing with intent to facilitate design to wage war.
- 124. Assaulting President. Governor, etc., with intent to compel or restrain the exercise of any lawful power.
- 124A. Sedition.
- 125. Waging war against any Asiatic power in alliance with the Government of India.
- 126. Committing depredation on territories of power at peace with the Government of India.
- 127. Receiving property taken by war or depredation mentioned in sections 125 and 126.
- 128. Public servant voluntarily allowing prisoner of State or war to escape.
- 129. Public servant negligently suffering such prisoner to escape.
- 130. Aiding escape of, rescuing or harbouring such prisoner.

CHAPTER VII OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

- 131. Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty.
- 132. Abetment of mutiny, if mutiny is committed in consequence thereof.
- 133. Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office.
- 134. Abetment of such assault, if the assault is committed.
- 135. Abetment of desertion of soldier, sailor or airman.
- 136. Harbouring deserter.
- 137. Deserter concealed on board merchant vessel through negligence of master.
- 138. Abetment of act of insubordination by soldier, sailor or airman.
- 138A. *[Repealed.]*
- 139. Persons subject to certain Acts.
- 140. Wearing garb or carrying token used by soldier, sailor or airman.

CHAPTER VIII OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY

- 141. Unlawful assembly.
- 142. Being member of unlawful assembly.
- 143. Punishment.
- 144. Joining unlawful assembly armed with deadly weapon.
- 145. Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.
- 146. Rioting.
- 147. Punishment for rioting.
- 148. Rioting, armed with deadly weapon.
- 149. Every member of unlawful assembly guilty of offence committed in prosecution of common object.
- 150. Hiring, or conniving at hiring, of persons to join unlawful assembly.
- 151. Knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse.
- 152. Assaulting or obstructing public servant when suppressing riot, etc.
- 153. Wantonly giving provocation, with intent to cause riot—
if rioting be committed; if not committed.
- 153A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence.
language, etc., and doing acts prejudicial to maintenance of harmony.
Offence committed in place of worship, etc.
- 153AA. Punishment for knowingly carrying arms in any procession or organizing, or holding or taking part in
any mass drill or mass training with arms.
- 153B. Imputation, assertions prejudicial to national-integration.
- 154. Owner or occupier of land on which an unlawful assembly is held.
- 155. Liability of person for whose benefit riot is committed.
- 156. Liability of agent of owner or occupier for whose benefit riot is committed.
- 157. Harbouring persons hired for an unlawful assembly.

SECTIONS

- 158. Being hired to take part in an unlawful assembly or riot; or to go armed.
- 159. Affray.
- 160. Punishment for committing affray.

CHAPTER IX OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

- 161. to 165A. [*Repealed.*]
- 166. Public servant disobeying law, with intent to cause injury to any person.
- 166A. Public servant disobeying direction under law.
- 166B. Punishment for non-treatment of victim.
- 167. Public servant framing an incorrect document with intent to cause injury.
- 168. Public servant unlawfully engaging in trade.
- 169. Public servant unlawfully buying or bidding for property.
- 170. Personating a public servant.
- 171. Wearing garb or carrying token used by public servant with fraudulent intent.

CHAPTER IXA OF OFFENCES RELATING TO ELECTIONS

- 171A. "Candidate", "Electoral right" defined.
- 171B. Bribery.
- 171C. Undue influence at elections.
- 171D. Personation at elections.
- 171E. Punishment for bribery.
- 171F. Punishment for undue influence or personation at an election.
- 171G. False statement in connection with an election.
- 171H. Illegal payments in connection with an election.
- 171-I. Failure to keep election accounts.

CHAPTER X OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

- 172. Absconding to avoid service of summons of other proceeding.
- 173. Preventing service of summons or other proceeding, or preventing publication thereof.
- 174. Non-attendance in obedience to an order from public servant.
- 174A. Non-appearance in response to a proclamation under section 82 of Act 2 of 1974.
- 175. Omission to produce document to public servant by person legally bound to produce it.
- 176. Omission to give notice or information to public servant by person legally bound to give it.
- 177. Furnishing false information.
- 178. Refusing oath or affirmation when duly required by public servant to make it.
- 179. Refusing to answer public servant authorised to question.
- 180. Refusing to sign statement.
- 181. False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation.
- 182. False information, with intent to cause public servant to use his lawful power to the injury of another person.
- 183. Resistance to the taking of property by the lawful authority of a public servant.
- 184. Obstructing sale of property offered for sale by authority of public servant.
- 185. Illegal purchase or bid for property offered for sale by authority of public servant.
- 186. Obstructing public servant in discharge of public functions.
- 187. Omission to assist public servant when bound by law to give assistance.
- 188. Disobedience to order duly promulgated by public servant.
- 189. Threat of injury to public servant.
- 190. Threat of injury to induce person to refrain from applying for protection to public servant.

CHAPTER XI OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

- 191. Giving false evidence.
- 192. Fabricating false evidence.
- 193. Punishment for false evidence.
- 194. Giving or fabricating false evidence with intent to procure conviction of capital offence.
if innocent person be thereby convicted and executed.

SECTIONS

195. Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.
- 195A. Threatening any person to give false evidence.
196. Using evidence known to be false.
197. Issuing or signing false certificate.
198. Using as true a certificate known to be false.
199. False statement made in declaration which is by law receivable as evidence.
200. Using as true such declaration knowing it to be false.
201. Causing disappearance of evidence of offence, or giving false information, to screen offender—
 - if a capital offence;
 - if punishable with imprisonment for life;
 - if punishable with less than ten Years' imprisonment.
202. Intentional omission to give information of offence by person bound to inform.
203. Giving false information respecting an offence committed.
204. Destruction of document to prevent its production as evidence.
205. False personation for purpose of act or proceeding in suit or prosecution.
206. Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution.
207. Fraudulent claim to property to prevent its seizure as forfeited or in execution.
208. Fraudulently suffering decree for sum not due.
209. Dishonestly making false claim in Court.
210. Fraudulently obtaining decree for sum not due.
211. False charge of offence made with intent to injure.
212. Harbouring offender.—
 - if a capital offence;
 - if punishable with imprisonment for life, or with imprisonment.
213. Taking gift, etc., to screen an offender from punishment.—
 - 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 -
 - if a capital offence;
 - if punishable with imprisonment for life, or with imprisonment.
215. Taking gift to help to recover stolen property, etc.
216. Harbouring offender who has escaped from custody of whose apprehension has been ordered -
 - if a capital offence;
 - if punishable with imprisonment for life, or with imprisonment.
- 216A. Penalty for harbouring robbers or dacoits.
- 216B. [*Repealed.*]
217. Public servant disobeying direction of law 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.
219. Public servant in judicial proceeding corruptly making report, etc., contrary to law.
220. Commitment for trial or confinement by person having authority who knows that he is acting contrary to law.
221. Intentional omission to apprehend on the part of public servant bound to apprehend.
222. Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed.
223. Escape from confinement or custody negligently suffered by public servant.
224. Resistance or obstruction by a person to his lawful apprehension.
225. Resistance or obstruction to lawful apprehension of another person.
- 225A. Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise, provided for.
- 225B. Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for.
226. [*Repealed.*]
227. Violation of condition of remission of punishment.
228. Intentional insult or interruption to public servant sitting in judicial proceeding.
- 228A. Disclosure of identity of the victim of certain offences, etc.
229. Personation of a juror or assessor.
- 229A. Failure by person released on bail or bond to appear in Court.

CHAPTER XII

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS

SECTIONS

- 230. "Coin" defined.
Indian coin.
- 231. Counterfeiting coin.
- 232. Counterfeiting Indian coin.
- 233. Making or selling instrument for counterfeiting coin.
- 234. Making or selling instrument for counterfeiting Indian coin.
- 235. Possession of instrument or material for the purpose of using the same for counterfeiting coin:
if Indian coin.
- 236. Abetting in India the counterfeiting out of India of coin.
- 237. Import or export of counterfeit coin.
- 238. Import or export of counterfeits of the Indian coin.
- 239. Delivery of coin, possessed with knowledge that it is counterfeit.
- 240. Delivery of Indian coin, possessed with knowledge that it is counterfeit.
- 241. Delivery of coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.
- 242. Possession of counterfeit 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.
- 244. Person employed in mint causing coin to be of different weight or composition from that fixed by law.
- 245. Unlawfully taking coining instrument from mint.
- 246. Fraudulently or dishonestly diminishing weight or altering composition of coin.
- 247. Fraudulently or dishonestly diminishing weight or altering composition of Indian coin.
- 248. Altering appearance of 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.
- 250. Delivery of coin, possessed with knowledge that it is altered.
- 251. Delivery of Indian coin, possessed with knowledge that it is altered.
- 252. Possession of coin by person who knew it to be altered when he became possessed thereof.
- 253. Possession of Indian coin by person who knew it to be altered when he became possessed thereof.
- 254. Delivery of coin as genuine which, when first possessed, the deliverer did not know to be altered.
- 255. Counterfeiting Government stamp.
- 256. Having possession of instrument or material for counterfeiting Government stamp.
- 257. Making or selling instrument for counterfeiting Government stamp.
- 258. Sale of counterfeit Government stamp.
- 259. Having possession of counterfeit Government stamp.
- 260. Using as genuine a Government stamp known to be counterfeit.
- 261. Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it,
with intent to cause loss to Government.
- 262. Using Government stamp known to have been before used.
- 263. Erasure of mark denoting that stamp has been used.
- 263A. Prohibition of fictitious stamps.

CHAPTER XIII

OF OFFENCES RELATING TO WEIGHTS AND MEASURES

- 264. Fraudulent use of false instrument for weighing.
- 265. Fraudulent use of false weight or measure.
- 266. Being In possession of false weight or measure.
- 267. Making or selling false weight or measure.

CHAPTER XIV

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

- 268. Public nuisance.
- 269. Negligent act likely to spread infection of disease dangerous to life.
- 270. Malignant act likely to spread infection of disease dangerous to life.
- 271. Disobedience to quarantine rule.
- 272. Adulteration of food or drink intended for sale.
- 273. Sale of noxious food or drink.
- 274. Adulteration of drugs.

SECTIONS

- 275. Sale of adulterated drugs.
- 276. Sale of drug as a different drug or preparation.
- 277. Fouling water of public spring or reservoir.
- 278. Making atmosphere noxious to health.
- 279. Rash driving or riding on a public way.
- 280. Rash navigation of vessel.
- 281. Exhibition of false light, mark or buoy.
- 282. Conveying person by water for hire in unsafe or overloaded vessel.
- 283. Danger or obstruction in public way or line of navigation.
- 284. Negligent conduct with respect to poisonous substance.
- 285. Negligent conduct with respect to fire or combustible matter.
- 286. Negligent conduct with respect to explosive substance.
- 287. Negligent conduct with respect to machinery.
- 288. Negligent conduct with respect to pulling down or repairing buildings.
- 289. Negligent conduct with respect to animal.
- 290. Punishment for public nuisance in cases not otherwise provided for.
- 291. Continuance of nuisance after injunction to discontinue.
- 292. Sale, etc., of obscene books, etc.
- 293. Sale, etc., of obscene objects to young person.
- 294. Obscene acts and songs.
- 294A. Keeping lottery office.

CHAPTER XV OF OFFENCES RELATING TO RELIGION

- 295. Injuring or defiling place of worship, with intent to insult the religion of any class.
- 295A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.
- 296. Disturbing religious assembly.
- 297. Trespassing on burial places, etc.
- 298. Uttering words, etc., with deliberate intent to wound the religious feelings.

CHAPTER XVI OF OFFENCES AFFECTING THE HUMAN BODY

Of offences affecting life

- 299. Culpable homicide.
- 300. Murder.
 - When culpable homicide is not murder.
- 301. Culpable homicide by causing death of person other than person whose death was intended.
- 302. Punishment for murder.
- 303. Punishment for murder by life-convict.
- 304. Punishment for culpable homicide not amounting to murder.
- 304A. Causing death by negligence.
- 304B. Dowry death.
- 305. Abetment of suicide of child or insane person.
- 306. Abetment of suicide.
- 307. Attempt to murder.
 - Attempts by life-convicts.
- 308. Attempt to commit culpable homicide.
- 309. Attempt to commit suicide.
- 310. Thug.
- 311. Punishment.

Of the causing of Miscarriage, of Injuries to unborn Children, of the Exposure of Infants, and of the concealment of Births

- 312. Causing miscarriage.
- 313. Causing miscarriage without woman's consent.

SECTIONS

- 314. Death caused by act done with intent to cause miscarriage.
if act done without woman's consent.
- 315. Act done with intent to prevent child being born alive or to cause it to die after birth.
- 316. Causing death of quick unborn child by act amounting to culpable homicide.
- 317. Exposure and abandonment of child under twelve years, by parent or person having care of it.
- 318. Concealment of birth by secret disposal of dead body.

Of Hurt

- 319. Hurt.
- 320. Grievous hurt.
- 321. Voluntarily causing hurt.
- 322. Voluntarily causing grievous hurt.
- 323. Punishment for voluntarily causing hurt.
- 324. Voluntarily causing hurt by dangerous weapons or means.
- 325. Punishment for voluntarily causing grievous hurt.
- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 326A. Voluntarily causing grievous hurt by use of acid, etc.
- 326B. Voluntarily throwing or attempting to throw acid.
- 327. Voluntarily causing hurt to extort property, or to constrain to an illegal act.
- 328. Causing hurt by means of poison, etc., with intent to commit an offence.
- 329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 330. Voluntarily causing hurt to extort confession, or to compel restoration of property.
- 331. Voluntarily causing grievous hurt to extort confession, or to compel restoration of property.
- 332. Voluntarily causing hurt to deter public servant from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.
- 334. Voluntarily causing hurt on provocation.
- 335. Voluntarily causing grievous hurt on provocation.
- 336. Act endangering life or personal safety of others.
- 337. Causing hurt by act endangering life or personal safety of others.
- 338. Causing grievous hurt by act endangering life or personal safety of others.

Of wrongful restraint and wrongful confinement

- 339. Wrongful restraint.
- 340. Wrongful confinement.
- 341. Punishment for wrongful restraint.
- 342. Punishment for wrongful confinement.
- 343. Wrongful confinement for three or more days.
- 344. Wrongful confinement for ten or more days.
- 345. Wrongful confinement of person for whose liberation writ has been issued.
- 346. Wrongful confinement in secret.
- 347. Wrongful confinement to extort property, or constrain to illegal act.
- 348. Wrongful confinement to extort confession, or compel restoration of property.

Of Criminal Force and Assault

- 349. Force.
- 350. Criminal force.
- 351. Assault.
- 352. Punishment for assault or criminal force otherwise than on grave provocation.
- 353. Assault or criminal force to deter public servant from discharge of his duty.
- 354. Assault or criminal force to woman with intent to outrage her modesty.
- 354A. Sexual harassment and punishment for sexual harassment.
- 354B. Assault or use of criminal force to woman with intent to disrobe.
- 354C. Voyeurism.
- 354D. Stalking.
- 355. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation.
- 356. Assault or criminal force in attempt to commit theft of property carried by a person.
- 357. Assault or criminal force in attempt wrongfully to confine a person.
- 358. Assault or criminal force on grave provocation.

Of Kidnapping, Abduction, Slavery and Forced Labour

- 359. Kidnapping.

SECTIONS

- 360. Kidnapping from India.
- 361. Kidnapping from lawful guardianship.
- 362. Abduction.
- 363. Punishment for kidnapping.
- 363A. Kidnapping or maiming a minor for purposes of begging.
- 364. Kidnapping or abducting in order to murder.
- 364A. Kidnapping for ransom, etc.
- 365. Kidnapping or abducting with intent secretly and wrongfully to confine person.
- 366. Kidnapping, abducting or inducing woman to compel her marriage, etc.
- 366A. Procuration of minor girl.
- 366B. Importation of girl from foreign country.
- 367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.
- 368. Wrongfully concealing or keeping in confinement, kidnapped or abducted person.
- 369. Kidnapping or abducting child under ten years with intent to steal from its person.
- 370. Trafficking of person.
- 370A. Exploitation of a trafficked person.
- 371. Habitual dealing in slaves.
- 372. Selling minor for purposes of prostitution, etc.
- 373. Buying minor for purposes of prostitution, etc.
- 374. Unlawful compulsory labour.

Sexual offences

- 375. Rape.
- 376. Punishment for rape.
- 376A. Punishment for causing death or resulting in persistent vegetative state of victim.
- 376B. Sexual intercourse by husband upon his wife during separation.
- 376C. Sexual intercourse by a person in authority.
- 376D. Gang rape.
- 376E. Punishment for repeat offenders.

Of Unnatural offences

- 377. Unnatural offences.

CHAPTER XVII OF OFFENCES AGAINST PROPERTY *Of Theft*

- 378. Theft.
- 379. Punishment for theft.
- 380. Theft in dwelling house, etc.
- 381. Theft by clerk or servant of property in possession of master.
- 382. Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.

Of Extortion

- 383. Extortion.
- 384. Punishment for extortion.
- 385. Putting person in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death on grievous hurt.
- 387. Putting person in fear of death or of grievous hurt, in order to commit extortion.
- 388. Extortion by threat of accusation of an offence punishable with death or imprisonment for life, etc.
- 389. Putting person in fear of accusation of offence, in order to commit extortion.

Of Robbery and Dacoity

- 390. Robbery.
 - When theft is robbery.
 - When extortion is robbery.
- 391. Dacoity.
- 392. Punishment for robbery.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery.
- 395. Punishment for dacoity.

SECTIONS

- 396. Dacoity with murder.
- 397. Robbery, or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.
- 400. Punishment for belonging to gang of dacoits.
- 401. Punishment for belonging to gang of thieves.
- 402. Assembling for purpose of committing dacoity.

Of Criminal Misappropriation of Property

- 403. Dishonest misappropriation of property.
- 404. Dishonest misappropriation of property possessed by deceased person at the time of his death.

Of Criminal Breach of Trust

- 405. Criminal breach of trust.
- 406. Punishment for criminal breach of trust.
- 407. Criminal breach of trust by carrier, etc.
- 408. Criminal breach of trust by clerk or servant.
- 409. Criminal breach of trust by public, servant. or by banker, merchant or agent.

Of the Receiving of Stolen Property

- 410. Stolen property.
- 411. Dishonestly receiving stolen property.
- 412. Dishonestly receiving property stolen in the commission of a dacoity.
- 413. Habitually dealing in stolen property.
- 414. Assisting in concealment of stolen property.

Of Cheating

- 415. Cheating.
- 416. Cheating by personation.
- 417. Punishment for cheating.
- 418. Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.
- 419. Punishment for cheating by personation.
- 420. Cheating and dishonestly inducing delivery of property.

Of Fraudulent Deeds and Dispositions of Property

- 421. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditor.
- 422. Dishonestly or fraudulently preventing debt being available for creditors.
- 423. Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.
- 424. Dishonest or fraudulent removal or concealment of property.

Of Mischief

- 425. Mischief.
- 426. Punishment for mischief.
- 427. Mischief causing damage to the amount of fifty rupees.
- 428. Mischief by killing or maiming animal of the value of ten rupees.
- 429. Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees.
- 430. Mischief by injury to works of irrigation or by wrongfully diverting water.
- 431. Mischief by injury to public road, bridge, river or channel.
- 432. Mischief by causing inundation or obstruction to public drainage attended with damage.
- 433. Mischief by destroying, moving or rendering less useful a light-house or sea-mark.
- 434. Mischief by destroying or moving, etc., a land-mark fixed by public authority.
- 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.
- 436. Mischief by fire or explosive substance with intent to destroy house, etc.
- 437. Mischief with intent to destroy or make unsafe a decked vessel or one of twenty tons burden.
- 438. Punishment for the mischief described in section 437 committed by fire or explosive substance.
- 439. Punishment for intentionally running vessel aground, or ashore with intent to commit theft, etc.
- 440. Mischief committed after preparation made for causing death or hurt.

SECTIONS

- 441. Criminal trespass.
- 442. House-trespass.
- 443. Lurking house-trespass.
- 444. Lurking house-trespass by night.
- 445. House-breaking.
- 446. House-breaking by night.
- 447. Punishment for criminal trespass.
- 448. Punishment for house-trespass.
- 449. House-trespass in order to commit offence punishable with death.
- 450. House-trespass in order to commit offence punishable with imprisonment for life.
- 451. House-trespass in order to commit offence punishable with imprisonment.
- 452. House-trespass after preparation for hurt, assault or wrongful restraint.
- 453. Punishment for lurking house-trespass or house-breaking.
- 454. Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.
- 455. Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint.
- 456. Punishment for lurking house-trespass or house-breaking by night.
- 457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
- 458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault, or wrongful restraint.
- 459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
- 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.
- 461. Dishonestly breaking open receptacle containing property.
- 462. Punishment for same offence when committed by person entrusted with custody.

CHAPTER XVIII

OF OFFENCES RELATING TO DOCUMENTS AND TO PROPERTY MARKS

- 463. Forgery.
- 464. Making a false document.
- 465. Punishment for forgery.
- 466. Forgery of record of Court or of public register, etc.
- 467. Forgery of valuable security, will, etc.
- 468. Forgery for purpose of cheating.
- 469. Forgery for purpose of harming reputation.
- 470. Forged document.
- 471. Using as genuine a forged document or electronic record.
- 472. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 467.
- 473. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise.
- 474. Having possession of document described in section 466 or 467, knowing it to be forged and intending to use it as genuine.
- 475. Counterfeiting device or mark used for authenticating documents 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.
- 477. Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security.
- 477A. Falsification of accounts.

Of Property and Other Marks

- 478. *[Repealed.]*
- 479. Property mark.
- 480. *[Repealed.]*
- 481. Using a false property mark.
- 482. Punishment for using a false property mark.
- 483. Counterfeiting a property mark used by another.
- 484. Counterfeiting a mark used by a public servant.
- 485. Making or possession of any instrument for counterfeiting a property mark.
- 486. Selling goods marked with a counterfeit property mark.
- 487. Making a false mark upon any receptacle containing goods.
- 488. Punishment for making use of any such false mark.
- 489. Tampering with property mark with intent to cause injury.

SECTIONS

- 489A. Counterfeiting currency-notes or bank-notes.
- 489B. Using as genuine, forged or counterfeit currency-notes or bank-notes.
- 489C. Possession of forged or counterfeit currency notes or bank-notes.
- 489D. Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes.
- 489E. Making or using documents resembling currency-notes or bank-notes.

CHAPTER XIX OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE

- 490. *[Repealed.]*
- 491. Breach of contract to attend on and supply wants of helpless person.
- 492. *[Repealed.]*

CHAPTER XX OF OFFENCES RELATING TO MARRIAGE

- 493. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.
- 494. Marrying again during life-time of husband or wife.
- 495. Same offence with concealment of former marriage from person with whom subsequent marriage is contracted.
- 496. Marriage ceremony fraudulently gone through without lawful marriage.
- 497. Adultery.
- 498. Enticing or taking away or detaining with criminal intent a married woman.

CHAPTER XXA OF CRUELTY BY HUSBAND OR RELATIVES OF HUSBAND

- 498A. Husband or relative of husband of a woman subjecting her to cruelty.

CHAPTER XXI OF DEFAMATION

- 499. Defamation.
 - Imputation of truth which public good requires to be made or published.
 - Public conduct of public servants.
 - Conduct of any person touching any public question.
 - Publication of reports of proceedings of Courts.
 - Merits of case decided in Court or conduct of witnesses and others concerned.
 - Merits of public performance.
 - Censure passed in good faith by person having lawful authority over another.
 - Accusation preferred in good faith to authorised person.
 - Imputation made in good faith by person for protection of his or other's interests.
 - Caution intended for good of person to whom conveyed or for public good.
- 500. Punishment for defamation.
- 501. Printing or engraving matter known to be defamatory.
- 502. Sale of printed or engraved substance containing defamatory matter.

CHAPTER XXII OR CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

- 503. Criminal intimidation.
- 504. Intentional insult with intent to provoke breach of the peace.
- 505. Statements conducing to public mischief.
 - Statements creating or promoting enmity, hatred or ill-will between classes.
 - Offence under sub-section (2) committed in place of worship, etc.

SECTIONS

506. Punishment for criminal intimidation.

If threat be to cause death or grievous hurt, etc.

507. Criminal intimidation by an anonymous communication.

508. Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure.

509. Word, gesture or act intended to insult the modesty of a woman.

510. Misconduct in public by a drunken person.

CHAPTER XXIII OF ATTEMPTS OF COMMIT OFFENCES

511. Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment.

THE INDIAN PENAL CODE

ACT NO. 45 OF 1860¹

[6th October, 1860.]

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.—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.—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****.

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 ⁸[India] shall be dealt with according to the provisions of this Code for any act committed beyond ⁸[India] in the same manner as if such act had been committed within ⁵[India].

⁹**[4. Extension of Code to extra-territorial offences.**—The provisions of this Code apply also to any offence committed by—

¹⁰[(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.]

¹¹[(3) any person in any place without and beyond India committing offence targeting a computer resource located in India.]

¹²[*Explanation.*—In this section—

(a) the word “offence” includes every act committed outside India which, if committed in India, would be punishable under this Code;

1. The Indian Penal Code has been extended to Berar by the Berar Laws Act, 1941 (4 of 1941) and has been declared in force in—

Sonthal Parganas, by the Sonthal Parganas Settlement Regulation 1872 (3 of 1872) s. 2;
Panth Piploda, by the Panth Piploda Laws Regulation, 1929 (1 of 1929), s. 2 and the Sch.;
Khondmals District, by the Khondmals Laws Regulation, 1936 (4 of 1936), s. 3 and the Sch; and
Angul District, by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and the Sch.

It has been declared under s. 3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely: the United Provinces Tarai Districts, *see* Gazette of India, 1876, Pt. I, p. 505; the Districts of Hazaribagh, Lohardaga [now called the Ranchi District, *see* Calcutta Gazette, 1899, Pt. I, p. 44] and Manbhum and Pargana Dhalbhum and the Kolhan in the District of Singhbhum—*see* Gazette of India, 1881, Pt. I, p. 504.

It has been extended under s. 5 of the same Act to the Lushai Hills—*see* Gazette of India, 1898, Pt. II, p. 345.

The Act has been extended to Goa, Daman and Diu by Reg. 12 of 1962, s. 3 and Sch; to Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I.; to Pondicherry by Reg. 7 of 1963, s. 3 and Sch. I and to Lakshadweep by Reg. 8 of 1965, s. 3 and Sch.

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

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

4. Subs. by Act 3 of 1951, s. 3 and the Sch., for “except Part B States”.

5. 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, s. 3 and the Sch., to read as above.

6. The words and figures “on or after the said first day of May, 1861” rep. by Act 12 of 1891, s. 2 and the First Sch.

7. Subs. by the A.O. 1937, for “law passed by the Governor General of India in Council”.

8. 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, s. 3 and the Sch., to read as above.

9. Subs. by Act 4 of 1898, s. 2, for section 4.

10. Subs. by the A.O. 1950, for cls. (1) to (4).

11. Ins. by Act 10 of 2009, s. 51 (w.e.f. 27-10-2009).

12. Subs. by s. 51, *ibid.*, for the *Explanation* (w.e.f. 27-10-2009).

(b) the expression “computer resource” shall have the meaning assigned to it in clause (k) of sub-section (I) of section 2 of the Information Technology Act, 2000 (21 of 2000);]

¹[*Illustration*]

²***A, ³[who is ⁴[a citizen of India]], commits a murder in Uganda. He can be tried and convicted of murder in any place in ⁵[India] in which he may be found.

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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 provisions of any special or local law.]

CHAPTER II

GENERAL EXPLANATIONS

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 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”.

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

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”.—The word “man” denotes a male human being of any age; the word “woman” denotes a female human being of any age.

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

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

13. [*Definition of “Queen”.*] Omitted by the A. O. 1950.

⁸[**14. “Servant of Government”.**—The words “servant of Government” denote any officer or servant 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*.

1. Subs. by Act 36 of 1957, s. 3 and Sch, II, for “*Illustrations*”

2. The brackets and letter “(a)” omitted by s. 3 and the Second Sch., *ibid*.

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

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

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

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

7. Subs., *ibid*., for section 5.

8. Subs., *ibid*., for section 14.

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”.—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”.—A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise.

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”.—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”.—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”.—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.

²[**29A. “Electronic record”.**—The words “electronic record” shall have the meaning assigned to them in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000).]

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

1. Subs. by Act 1 of 1889, s. 9, for the *Explanation*.

2. Ins. by Act 21 of 2000, s. 91 and the First Sch. (w.e.f. 17-10-2000).

released, or whereby 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 unlawful holder of it, the endorsement is a “valuable security”.

31. “A will”.—The words “a will” denote any testamentary document.

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”.—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.

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.—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.—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.—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 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.

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.

1. Subs. by Act 27 of 1870, s. 1, for s. 34.

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.

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, 117,⁶[118, 119 and 120] 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”.—A “special law” is a law applicable to a particular subject.

42. “Local law”.—A “local law” is a law applicable only to a particular part of ⁷[⁸***⁹[India]].

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”.—The word “injury” denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

45. “Life”.—The word “life” denotes the life of a human being, unless the contrary appears from the context.

46. “Death”.—The word “death” denotes the death of a human being unless the contrary appears from the context.

47. “Animal”.—The word “animal” denotes any living creature, other than a human being.

48. “Vessel”.—The word “vessel” denotes anything made for the conveyance by water of human beings or of property.

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”.—The word “section” denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

51. “Oath”.—The word “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 of Justice or not.

52. “Good faith”.—Nothing is said to be done or believed in “good faith” which is done or believed without due care and attention.

1. Subs. by Act 27 of 1870, s. 2, for section 40.

2. Subs. by Act 8 of 1930, s. 2 and the First Sch., 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 (I).

6. Ins. by Act 10 of 2009, s. 51 (w.e.f. 27-10-2009).

7. Subs. by the A.O. 1948, for “British India”.

8. The words “the territories comprised in” omitted by Act 48 of 1952, s. 3 and the Second Sch.

9. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the States” which had been subs. by the A.O. 1950, for “the Provinces”.

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 PUNISHMENTS

53. Punishments.—The punishments to which offenders are liable under the provisions of this Code are—

First.—Death;

²[*Secondly*.—Imprisonment for life;]

$$3_* \quad \quad \quad * \quad \quad \quad * \quad \quad \quad * \quad \quad \quad *$$

Fourthly.—Imprisonment, which is of two descriptions, namely:—

(1) Rigorous, that is, with hard labour;

(2) Simple;

Fifthly.—Forfeiture of property;

Sixthly.—Fine.

4[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, ⁵[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.—In every case in which sentence of death shall have been passed, ⁶[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.—In every case in which sentence of ⁷[imprisonment] for life shall have been passed, ⁸[the appropriate Government] may, without the consent

1. Ins. by Act 8 of 1942, s. 2.

2. Subs. by Act 26 of 1955, s. 117 and the Sch., for “*Secondly.—Transportation*” (w.e.f. 1-1-1956).

3. Cl. *Thirdly* omitted by Act 17 of 1949, s. 2 (w.e.f. 6-4-1949).

4. Ins. by Act 26 of 1955, s. 117 and the Sch. (w.e.f. 1-1-1956).

5. Subs. by Act 36 of 1957, s. 3 and the Second Sch., for "1954".

6. 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”. The words in italics were subs. by the A.O. 1937, for “the Government of India or the Government of the place”.

7. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation” (w.e.f. 1-1-1956).

8. Subs. by the A.O. 1950, for "*the Provincial Government of the Province* within which the offender shall have been sentenced".
The words in italics were subs. by the A.O. 1937, for "the Government of India or the Government of the place".

consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding fourteen years.

¹**[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. [*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.—In calculating fractions of terms of punishment, ²[imprisonment] for life shall be reckoned as equivalent to ²[imprisonment] for twenty years.

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 the Sch. (w.e.f. 1-1-1956).

59. [*Transportation instead of imprisonment.*] Rep. by s.117 and the Sch., *ibid.* (w.e.f. 1-1-1956).

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. [*Sentence of forfeiture of property.*] Rep. by the Indian Penal Code (Amendment) Act, 1921 (16 of 1921), s. 4.

62. [*Forfeiture of property, in respect of offenders punishable with death, transportation or imprisonment.*] Rep. by s. 4 *ibid.*

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.—³[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 ⁴[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.—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.—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.

1. Subs. by the A. O 1950. Earlier ins by the A. O. 1937.

2. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation” (w.e.f. 1-1-1956).

3. Subs. by Act 8 of 1882, s. 2, for “In every case in which an offender is sentenced to a fine”.

4. Ins. by Act 10 of 1886, s. 21 (2).

67. Imprisonment for non-payment of fine, when offence punishable with fine only.—If the offence be punishable with fine only, ¹[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.—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.

69. Termination of imprisonment on payment of proportional part 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 leviable within six years, of 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.—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[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 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.—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. 3.

2. Added by s. 4, *ibid*.

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 and¹[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.—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.

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***

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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 ⁶[imprisonment for life], or to imprisonment of either description for a term which may extend to ten years.]

CHAPTER IV

GENERAL EXCEPTIONS

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.—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.

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.

1. Subs. by Act 8 of 1862, s. 5, for “be less than a”.

2. Subs. by Act 3 of 1910, s. 2, for section 75.

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

4. The word “or” omitted by Act 3 of 1951, s. 3 and the Sch.

5. Cl. (b) omitted by s. 3 and the Sch., *ibid*.

6. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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.—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. 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 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 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.—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.—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.—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.—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.—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.—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.—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.—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 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. *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, inasmuch as his object was the cure of the child.

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.—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.—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.—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 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.

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 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—

Provisos. *First.*—That this exception shall not extend to the intentional causing of death, or 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 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.—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.

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.—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.—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.—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.—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.—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.—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.—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.

¹[*Seventhly.*—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.]

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.—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.—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 extends 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.—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.

1. Ins. by Act 13 of 2013, s. 2 (w.e.f. 3-2-2013).

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.—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

107. Abetment of a thing.—A person abets the doing of a thing, who—

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 authorised 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.—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 consents 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.

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.—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 accepts the bribe. A has abetted the offence defined in section 161.

1. Added by Act 4 of 1898, s. 3.

2. The words "British India" have successively been subs. by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, s. 3 and the Sch., to read as above.

(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.—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.

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:

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.—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.—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.—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.

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.—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.—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.—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.

(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.—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.

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.—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],

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

¹[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,

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 be 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.—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,

¹[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,

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.—or, if the offence be punishable with death or ²[imprisonment for life], with imprisonment of either description for a term which may extend to ten years;

if offence be not committed.—or, 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 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.—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,

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.

³[CHAPTER VA

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

1. Subs. by Act 10 of 2009, s. 51, for “voluntarily conceals, by any act or illegal omission, the existence of a design” (w.e.f. 27-10-2009).

2. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

3. Ins. by Act 8 of 1913, s. 3.

(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.—(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, ¹[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 STATE

121. Waging, or attempting to wage war, or abetting waging of war, against the Government of India.—Whoever wages war against the ²[Government of India], or attempts to wage such war, or abets the waging of such war, shall be punished with death, or ³[imprisonment for life] ⁴[and shall also be liable to fine].

⁵[*Illustration*]

⁶***A joins an insurrection against the ²[Government of India]. A has committed the offence defined in this section.

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⁸[**121A. Conspiracy to commit offences punishable by section 121.**—Whoever within or without ⁹[India] conspires to commit any of the offences punishable by section 121, ¹⁰*** or conspires to overawe, by means of criminal force or the show of criminal force, ¹¹[the Central Government or any ¹²[State] Government ¹³***], shall be punished with ¹⁴[imprisonment for life], or with imprisonment of either description which may extend to ten years, ¹⁵[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.—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 ²[Government of India], shall be punished with

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation” (w.e.f. 1-1-1956).

2. Subs. by the A. O. 1950, for “Queen”.

3. Subs. by 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

4. Subs. by Act 16 of 1921, s. 2, for “and shall forfeit all his property”.

5. Subs. by Act 36 of 1957, s. 3 and the Second Sch., for “*Illustrations*”

6. The brackets and letter “(a)” omitted by s. 3 and the Second Sch., *ibid.*

7. *Illustration (b)* omitted, by the A. O. 1950.

8. Ins. by Act 27 of 1870, s. 4.

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

10. The words “or to deprive the Queen of the sovereignty of the Provinces or of any part thereof” omitted by the A. O. 1950.

11. Subs. by the A. O. 1937, for “the G. of I. or any I. G”.

12. Subs. by the A. O. 1950, for “Provincial”.

13. The words “or the Government of Burma” omitted by the A. O. 1948.

14. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life or any shorter term” (w.e.f. 1-1-1956).

15. Ins. by Act 16 of 1921, s. 3.

¹[imprisonment for life] or imprisonment of either description for a term not exceeding ten years, ²[and shall also be liable to fine].

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 ³[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.—Whoever, with the intention of inducing or compelling the ⁴[President] of India, or ⁵[Governor ^{6***}] of any ⁷[State], ^{8***} ^{9***} ^{10***} to exercise or refrain from exercising in any manner any any of the lawful powers of such ¹¹[President or ⁵[Governor ^{6***}]],

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 ¹¹[President or ⁵[Governor ^{6***}]],

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

¹²[**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, ^{13***} the Government established by law in ¹⁴[India], ^{15***} shall be punished with ¹⁶[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.—Whoever wages war against the Government of any Asiatic Power in alliance or at peace with the ³[Government of India] or attempts to wage such war, or abets the waging of such war, shall be punished with ¹[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.

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

2. Subs. by Act 16 of 1921, s. 2, for “and shall forfeit all his property”.

3. Subs. by the A. O. 1950, for “Queen”.

4. Subs. by the *ibid.*, for “Governor General”.

5. Subs. by Act 3 of 1951, s. 3 and the Sch., for “Governor”.

6. The words “or Rajpramukh” omitted by the A. O. 1956.

7. Subs. by the A. O. 1950, for “Province” which had been subs. by the A. O. 1937, for “Presidency”.

8. The words “or a Lieutenant-Governor” omitted by the A. O. 1937.

9. The words “or a Member of the Council of the Governor General of India” omitted by the A.O. 1948.

10. The words “or of the Council of any Presidency” omitted by the A. O. 1937.

11. The words “Governor General, Governor, Lieutenant-Governor or Member of Council” have successively been amended by the A.O. 1937, the A. O. 1948 and the A. O. 1950 to read as above.

12. Ins. by Act 27 of 1870, s. 5 and subs. by Act 4 of 1898, s. 4, for s. 124A.

13. The words “Her Majesty or” omitted by the A.O. 1950. The words “or the Crown Representative” ins. after the word “Majesty” by the A. O. 1937 were omitted by the A. O. 1948.

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

15. The words “or British Burma” ins. by the A. O. 1937 and omitted by the A. O. 1948.

16. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life or any shorter term” (w.e.f. 1-1-1956).

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 ¹[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.—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.—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 ²[imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

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.—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 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.—A State prisoner or prisoner of war, who is permitted to be at large on his parole within certain limits in ³[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, ⁴[NAVY AND AIR FORCE]

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, ⁵[sailor or airman], in the Army, ⁶[Navy or Air Force] of the ¹[Government of India] or attempts to seduce any such officer, soldier, ⁵[sailor or airman] from his allegiance or his duty, 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.

⁷[*Explanation.*—In this section the words “officer”, ⁸[“soldier”, ⁹[“sailor”] and “airman”] include any any

1. Subs. by the A. O. 1950, for “Queen”.

2. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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

4. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “and Navy”.

5. Subs. by s. 2 and the First Sch., *ibid.*, for “or sailor”.

6. Subs. by s. 2 and the First Sch., *ibid.*, for “or Navy”.

7. Ins. by Act 27 of 1870, s. 6.

8. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “and soldier”

9. Ins. by Act 35 of 1934, s. 2 and Sch.

person subject to the ¹[Army Act, ²[the Army Act, 1950 (46 of 1950)], ³[the Naval Discipline Act, ^{4***}the ^{4***}the ⁵Indian Navy (Discipline) Act, 1934 (34 of 1934)] ⁶[the Air Force Act or ⁷[the Air Force Act, 1950 (45 of 1950)]]], as the case may be[.]

132. Abetment of mutiny, if mutiny is committed in consequence thereof.—Whoever abets the committing of mutiny by an officer, soldier, ⁸[sailor or airman], in the Army, ⁹[Navy or Air Force] of the ¹⁰[Government of India], shall, if mutiny be committed in consequence of that abetment, be punished with death or with ¹¹[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.—Whoever abets an assault by an officer, soldier, ⁸[sailor or airman], in the Army, ⁹[Navy or Air Force] of the ¹⁰[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.—Whoever abets an assault by an officer, soldier, ⁸[sailor or airman], in the Army, ⁹[Navy or Air Force] of the ¹⁰[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.—Whoever, abets the desertion of any officer, soldier, ⁸[sailor or airman], in the Army, ⁹[Navy or Air Force] of the ¹⁰[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. Harboursing deserter.—Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, ⁸[sailor or airman], in the Army, ⁹[Navy or Air Force] of the ¹⁰[Government of India], has deserted, harbours such officer, soldier, ⁸[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.—The master or person in charge of a merchant vessel, on board of which any deserter from the Army, ⁹[Navy or Air Force] of the ¹⁰[Government of India] is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding 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.—Whoever abets what he knows to be an act of insubordination by an officer, soldier, ⁸[sailor or airman], in the Army, ⁹[Navy or Air Force], of the ¹⁰[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.

1. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “Articles or War for the better government of Her Majesty’s Army, or to the Articles of War contained in Act No. 5 of 1869”.

2. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the Indian Army Act, 1911”.

3. Ins. by Act 35 of 1934, s. 2 and the Sch.

4. The words “or that Act as modified by” omitted by the A. O. 1950.

5. Now *see* the Navy Act, 1957 (62 of 1957).

6. Subs. by Act 14 of 1932, s. 130 and the Sch., for “or the Air Force Act”.

7. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the Indian Air Force Act, 1932”.

8. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “or sailor”.

9. Subs. by s. 2 and the First Sch., *ibid.*, for “or Navy”.

10. Subs. by the A. O. 1950, for “Queen”.

11. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

¹**138A.** [*Application of foregoing sections to the Indian Marine Service.*] Rep. by the Amending Act, 1934 (35 of 1934), s. 2 and Sch.

139. Persons subject to certain Acts.—No person subject to ²[the Army Act, ³[the Army Act, 1950 (46 of 1950)], the Naval Discipline Act, ⁴[⁵*** ⁶[the Indian Navy (Discipline) Act, 1934 (34 of 1934)], ⁷[the Air Force Act or ⁸[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.—Whoever, not being a soldier, ⁹[sailor or airman] in the Military, ¹⁰[Naval or Air] service of the ¹¹[Government of India], wears any garb or carries any token resembling any garb or token used by such a soldier, ⁹[sailor or airman] with the intention that it may be believed that he is such a soldier, ⁹[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

OFFENCES AGAINST THE PUBLIC TRANQUILLITY

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, ¹²[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.

Explanation.—An assembly which was not unlawful when it assembled, may subsequently become an 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.

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.—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.

1. Ins. by Act 14 of 1887, s. 79.

2. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “any Articles of War for the Army or Navy of the Queen, or for any part of such Army or Navy”.

3. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the Indian Army Act, 1911”.

4. Ins. by Act 35 of 1934, s. 2 and the Sch.

5. The words “or that Act as modified by” omitted by the A. O. 1950.

6. Now see the Navy Act, 1957 (62 of 1957).

7. Subs. by Act 14 of 1932, s. 130 and Sch., for “or the Air Force Act”.

8. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the Indian Air Force Act, 1932”.

9. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “or sailor”.

10. Subs. by s. 2 and the First Sch., *ibid.*, for “or Naval”.

11. Subs. by the A. O. 1950, for “Queen”.

12. Subs. by the A. O. 1950, for “the Central or any Provincial Government or Legislature”.

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

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.—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.—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.—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.—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.—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 section 141, the offender will be punishable under section 145.

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. Wantonly 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.

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, racial, language or regional groups or castes or communities, or

1. Subs. by Act 35 of 1969, s. 2, for section 153A.

(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, ¹[or]

¹[(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.]

²[**153AA. Punishment for knowingly carrying arms in any procession or organising, or holding or taking part in any mass drill or mass training with arms.**—Whoever knowingly carries arms in any procession or organizes or holds or takes part in any mass drill or mass training with arms in any public place in contravention of any public notice or order issued or made under section 144A of the Code of Criminal Procedure, 1973 (2 of 1974) shall be punished with imprisonment for a term which may extend to six months and with fine which may extend to two thousand rupees.

Explanation.—“Arms” means articles of any description designed or adapted as weapons for offence or defence and includes firearms, sharp edged weapons, lathis, *dandas* and sticks].

¹[**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 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 and 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.—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,

1. Ins. by Act 31 of 1972, s. 2.

2. Ins. by Act 25 of 2005, s. 44 (w.e.f. 23-6-2005).

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.—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.—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. Harboursing 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.—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 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.—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.—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.—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

OFOFFENCES BY OR RELATING TO PUBLIC SERVANTS

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.—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.

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 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.

¹[**166A. Public servant disobeying direction under law.**—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 154 of the Code of Criminal Procedure, 1973 (2 of 1974), in relation to cognizable offence punishable under section 326A, section 326B, section 354, section 354B, section 370, section 370A, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509,

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.

166B. Punishment for non-treatment of victim.—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 357C of the Code of Criminal Procedure, 1973 (2 of 1974), shall be punished with imprisonment for a term which may extend to one year or with fine or with both.]

167. Public servant framing an incorrect document with intent to cause injury.—Whoever, being a public servant, and being, as ²[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.

168. Public servant unlawfully engaging in trade.—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.

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

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.

³[CHAPTER IXA

OF OFFENCES RELATING TO ELECTIONS

171A. “Candidate”, “Electoral right” defined.—For the purposes of this Chapter—

⁴[(a) “candidate” means a person who has been nominated as a candidate at any election;]

1. Ins. by Act 13 of 2013, s. 3 (w.e.f. 03-02-2013).

2. Subs. by Act 21 of 2000, s. 91 and the First Sch., for certain words (w.e.f. 17-10-2000).

3. Ins. by Act 39 of 1920, s. 2.

4. Subs. by Act 40 of 1975, s. 9, for cl. (a).

(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.—(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.—(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.

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.

¹[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.]

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.—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.

1. The proviso ins. by Act 24 of 2003, s. 5 (w.e.f. 22-9-2003).

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.—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 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.

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 CONTEMPTSOFTHE LAWFUL AUTHORITYOF PUBLIC SERVANTS

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 ¹[produce a document or an electronic record 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.—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,

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 ²[to produce a document or electronic record 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.—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,

1. Subs. by Act 21 of 2000, s. 91 and the First Sch., for “produce a document in a Court of Justice” (w.e.f. 17-10-2000).

2. Subs. by s. 91 and the First Sch., *ibid.*, for “to produce a document in a Court of Justice” (w.e.f. 17-10-2000).

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 ²[District Judge] intentionally omits to appear. A has committed the offence defined in this section.

³**[174A .Non-appearance in response to a proclamation under section 82 of Act 2 of 1974.—**Whoever fails to appear at the specified place and the specified time as required by a proclamation published under sub-section (1) of section 82 of the Code of Criminal Procedure, 1973 shall be punished with imprisonment for a term which may extend to three years or with fine or with both, 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.]

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 ⁴[document or electronic record] 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;

or, if the ⁴[document or electronic record] 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 ⁵[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.—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;

⁶[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.—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;

1. Subs. by the A. O. 1950, for "Supreme Court".

2. Subs. *ibid.*, for "Zila Judge".

3. Ins. by Act 25 of 2005, s. 44 (w.e.f. 23-6-2005).

4. Subs. by Act 21 of 2000, s. 91 and the First Sch., for "document" (w.e.f. 17-10-2000).

5. Subs. by the A.O. 1950, for "Zila Court".

6. Added by Act 22 of 1939, s. 2.

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, ¹Regulation 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.

²[*Explanation.*—In section 176 and in this section the word “offence” includes any act committed at any place out of ³[India], which, if committed in ³[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.—Whoever refuses to bind himself by an oath ⁴[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 authorised 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.—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 authorised to administer an oath or affirmation.—Whoever, being legally bound by an oath ⁴[or affirmation] to state the truth on any subject to any public servant or other person authorized by law to administer such oath ⁴[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.

⁵[**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,

1. Rep. by Act 17 of 1862, s. VII and Sch.

2. Added by Act 3 of 1894, s. 5.

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

4. Ins. by Act 10 of 1873, s. 15.

5. Subs. by Act 3 of 1895, s. 1, for section 182.

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.

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.

(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.—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.—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.—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.

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.—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.—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.—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.—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.

CHAPTER XI

OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

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.—Whoever causes any circumstance to exist or ¹[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

1. Subs. by Act 21 of 2000, s. 91 and the First Sch., for certain words (w.e.f. 17-10-2000).

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.—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;

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-martial¹ 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 has 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.—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 law 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.—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.—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.

1. The words “or before a Military Court of Request” rep. by Act 13 of 1889, s. 2 and Sch.

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 the Sch., for “the States”.

4. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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 ¹[imprisonment for life], or rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to ²[imprisonment for life] or imprisonment, with or without fine.

³[195A. Threatening any person to give false evidence.]—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;

and if innocent person is convicted and sentenced in consequence of such false evidence, 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.]

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.

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.—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.—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 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.

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.—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.—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.—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.—and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

2. Subs. by s. 117 and the Sch., *ibid.*, for “such transportation” (w.e.f. 1-1-1956).

3. Ins. by Act 2 of 2006, s. 2 (w.e.f. 16-4-2006).

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.

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.

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.—Whoever secretes or destroys any ³[document and electronic record] 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 ³[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 two years, or with fine, or with both.

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.—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.—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 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. Added by Act 3 of 1894, s. 6.

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

3. Subs. by Act 21 of 2000, s. 91 and the First Sch., for “document” (w.e.f. 17-10-2000).

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. 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.—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.—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. Harboursing 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.—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.

²["Offence" in this section includes any act committed at any place out of ³[India], which, if committed in ³[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 ³[India].]

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for "transportation for life" (w.e.f. 1-1-1956).

2. Ins. by Act 3 of 1894, s. 7.

3. The words "British India" have successively been subs. by the A. O. 1948, the A. O. 1950 and Act 3 of 1951 s. 3 and the Sch., to read as above.

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 ¹[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.—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.—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.—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 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.—Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or ²[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.—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.—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 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.

³[*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded.]

⁴* * * * *

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. Harboursing offender who has escaped from custody or whose apprehension has been ordered.—Whenever any person convicted of a charged with an offence, being in lawful custody for that offence, escapes from such custody,

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

2. Subs. by Act 42 of 1953, s. 4 and the Third Sch., for “to restore or cause the restoration of”.

3. Subs. by Act 8 of 1882, s. 6, for the original exception.

4. *Illustrations* rep. by Act 10 of 1882, s. 2 and the First Sch.

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 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 the offence is punishable with ¹[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.

²["Offence" in this section includes also any act or omission of which a person is alleged to have been guilty out of ³[India], which, if he had been guilty of it in ³[India], would have been punishable as an offence, and for which he is, under any law relating to extradition, ⁴*** or otherwise, liable to be apprehended or detained in custody in ³[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 ³[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.

⁵[**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, 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 ³[India].

Exception.—This provision does not extend to the case in which the harbour is by the husband or wife of the offender.]

⁵[**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.—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.—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

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for "transportation for life" (w.e.f. 1-1-1956).

2. Ins. by Act 10 of 1886, s. 23.

3. The words "British India" have successively been subs. by the A. O. 1948, the A. O. 1950 and Act 3 of 1951, s. 3 and the Sch., to read as above.

4. The words "or under the Fugitive Offenders Act, 1881," omitted by Act 3 of 1951, s. 3 and the Sch.

5. Ins. by Act 3 of 1894, s. 8.

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.—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.—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.

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

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.—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].

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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 (w.e.f. 6-4-1949).

4. The words “or to” omitted by Act 36 of 1957, s. 3 and the Second Sch.

5. The word “transportation” omitted by Act 26 of 1955, s. 117 and the Sch. (w.e.f. 1-1-1956).

6. The words “or penal servitude” omitted by Act 17 of 1949, s. 2 (w.e.f. 6-4-1949).

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 ¹[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.—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.

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 ²[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 ²[imprisonment for life], ^{3****}
^{4***} ^{5***} 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 ²[imprisonment for life] or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

⁶[**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.—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

1. Ins. by Act 27 of 1870, s. 8.

2. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

3. The words “or to” omitted by Act 36 of 1957, s. 3 and the Second Sch.

4. The word “transportation” omitted by Act 26 of 1955, s. 117 and the Sch. (w.e.f. 1-1-1956).

5. The words “penal servitude” omitted by Act 17 of 1949, s. 2 (w.e.f. 6-4-1949).

6. Subs. by Act 10 of 1886, s. 24(I), for section 225A which had been ins. by Act 27 of 1870, s. 9.

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.]

226. *[Unlawful return from transportation.] Rep. by the Code of Criminal Procedure (Amendment) Act, 1955 (26 of 1955), s. 117 and the Sch (w.e.f. 1-1-1956).*

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.—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.

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 ²[offence under section 376, section 376A, section 376B, section 376C, section 376D or section 376E] 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.—Whoever, by personation or otherwise, shall intentionally cause, or knowingly suffer himself to be returned, empanelled or sworn as a juror 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.

2. Subs. by Act 13 of 2013, s. 4, for “offence under section 376, section 376A, section 376B, section 376C or section 376D” (w.e.f. 3-2-2013).

¹[**229A. Failure by person released on bail or bond to appear in court.**—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 XII

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS

230. “Coin” defined.—²[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.]

³[**Indian coin.**—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 ⁴[Indian coin].

⁵[(e) The “Farukhabad rupee”, which was formerly used as money under the authority of the Government of India, is ⁶[Indian coin] although it is no longer so used.]

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.—Whoever counterfeits, or knowingly performs any part of the process of counterfeiting ⁴[Indian coin], shall be punished with ⁷[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.—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 extend to three years, and shall also be liable to fine.

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

1. Ins. by Act 25 of 2005, s. 44 (w.e.f. 23-6-2005).

2. Subs. by Act 19 of 1872, s. 1, for the first paragraph.

3. Subs. by the A. O. 1950, for the second paragraph.

4. Subs., *ibid.*, for “the Queen’s coin”.

5. Added by Act 6 of 1896, s. 1(2).

6. Subs. by the A. O. 1950, for “Queen’s coin”

7. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

used, for the purpose of counterfeiting ¹[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.

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.—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.—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.—Whoever imports into ²[India], or exports therefrom, any counterfeit coin, knowing 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.—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.—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.—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.—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.

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.—Whoever, fraudulently or with intent that fraud may be committed, is in possession

1. Subs. by the A. O. 1950, for “the Queen’s coin”.

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

3. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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.—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.—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.—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.—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.

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.

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.—Whoever performs on ³[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.—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.—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

1. Subs. by the A. O. 1950, for “the Queen’s coin”.

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

3. Subs. by the A. O. 1950, for “any of the Queen’s coin”.

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.—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 section 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.—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 section 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.—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 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.—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.—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.—Whoever makes or performs any part of the process of making, or buys, or sells, or disposes or, 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.—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.—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 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.—Whoever uses as genuine any stamp, knowing it to be a counterfeit of any stamp issued by Government for the purpose of revenue,

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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.—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.

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.—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.

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 Majesty's dominions or in any foreign country.

CHAPTER XIII

OF OFFENCES RELATING TO WEIGHTS AND MEASURES

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.—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.

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. Added 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”.

^{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.—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 XIV

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

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

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

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 Government”.

3. The words “Central or any Provincial” omitted by the A. O. 1950.

4. The words “or the Crown Representative” omitted by the A. O. 1948.

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.—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.—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.—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.—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.

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.—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.—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.—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.—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 one thousand rupees, or with both.

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.—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 one thousand rupees, or with both.

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.—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.—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.—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.—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.

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, publicity 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

1. Subs. by Act 8 of 1925, s. 2, for s. 292.

2. Ins. by Act 36 of 1969, s. 2.

3. S. 292 renumbered as sub-section (2) thereof by s. 2, *ibid*.

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 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 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.]]

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].]

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.]

⁵[**294A. Keeping lottery office.**—Whoever keeps any office or place for the purpose of drawing any lottery ⁶[not being ⁷[a State lottery] or a lottery authorised by the ⁸[State] Government], shall be punished

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 section 293.

4. Subs. by Act 3 of 1895, s. 3, for section 294.

5. Ins. by Act 27 of 1870, s. 10.

6. Subs. by the A. O. 1937, for “not authorized by Government”.

7. Subs. by Act 3 of 1951, s. 3 and the Sch., for “a lottery organized by the Central Government or the Government of a Part A State or a Part B State”.

8. Subs. by the A. O. 1950, for “Provincial”.

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 RELIGION

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.

¹[**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 ²[citizens of India], ³[by words, either spoken or written, or 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 ⁴[three years], or with fine, or with both.]

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.—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.

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 BODY

Of offences affecting life

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.

1. Ins. by Act 25 of 1927, s. 2.

2. Subs. by the A. O. 1950, for “His Majesty’s subjects”.

3. Subs. by Act 41 of 1961, s. 3, for certain words.

4. Subs. by s. 3, *ibid.*, for “two years”.

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.

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.—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 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 given 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.

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.—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.—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.—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.

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.]

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.]

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.—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.—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.—⁴[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.

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

2. Ins. by Act 27 of 1870, s. 12.

3. Ins. by Act 43 of 1986, s. 10 (w.e.f. 19-11-1986).

4. Added by Act 27 of 1870, s. 11.

(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 ¹[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.

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.

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.—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 ²[or with fine, or with both.]

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.—Whoever is a thug, shall be punished with ³[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.—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.—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 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.

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.—and if the act is done without the consent of the woman, shall be punished either with ³[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.—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

1. Ins. by Act 12 of 1891, s. 2 and the Second Sch.

2. Subs. by Act 8 of 1882, s. 7, for “and shall also be liable to fine”.

3. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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. 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.—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.—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

319. Hurt.—Whoever causes bodily pain, disease or infirmity to any person is said to cause 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.—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.—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 of 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.—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.—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. 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.—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.

²**326A. Voluntarily causing grievous hurt by use of acid, etc.**—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, 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:

Provided further that any fine imposed under this section shall be paid to the victim.

326B. Voluntarily throwing or attempting to throw acid.—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 section 326A and 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 section 326A and this section, permanent or partial damage or deformity shall not be required to be irreversible.]

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

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for "transportation for life" (w.e.f. 1-1-1956).

2. Ins. by Act 13 of 2013, s. 5 (w.e.f. 3-2-2013).

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.—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.—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.—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.

(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.—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 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.—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.—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.

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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.—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.—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 hundred and fifty rupees, or with both.

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.

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.—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.—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 leave the building. A wrongfully confines Z.

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.—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 one thousand rupees, or with both.

1. Ins. by Act 8 of 1882, s. 8.

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.—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.—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.—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.—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.—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.—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:

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.—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 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.—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.—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.—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.

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 there by outrage her modesty, ¹[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].

²[**354A. Sexual harassment and punishment for sexual harassment.**—(1) Aman 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.

354B. Assault or use of criminal force to woman with intent to disrobe.—Any man who 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.

354C. Voyeurism.—Any man who 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.

354D. Stalking.—(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, email or any other form of electronic communication,
- commits the offence of stalking:

1. Subs. by Act 13 of 2013, s. 6, for “shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both” (w.e.f. 3-2-2013).

2. Ins. by s. 7, *ibid.* (w.e.f. 3-2-2013).

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.]

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.—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.—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.—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.—Kidnapping is of two kinds: kidnapping from ¹[India], and kidnapping from lawful guardianship.

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 authorised to consent on behalf of that person, is said to kidnap that person from ¹[India].

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.

Explanation.—The words “lawful guardian” in this section include any person lawfully entrusted with the care or custody of such minor or other person.

Exception.—This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, 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.

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

2. Subs. by Act 42 of 1949, s. 2, for “fourteen”.

3. Subs. by s. 2, *ibid.*, for “sixteen”.

362. Abduction.—Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

363. Punishment for kidnapping.—Whoever kidnaps any person from ¹[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.

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 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.]

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 ³[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 ¹[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.

⁴**[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 ⁵[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.]

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

2. Ins. by Act 52 of 1959, s. 2 (w.e.f. 15-1-1960).

3. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

4. Ins. by Act 42 of 1993, s. 2.

5. Subs. by Act 24 of 1995, s. 2, for “any other 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.—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; ¹[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].

²[**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.—Whoever imports into ³[India] from any country outside India ⁴[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.]

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.—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.—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.

⁶[**370. Trafficking of person.**—(1) Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by—

First.—using threats, or

Secondly.—using force, or any other form of coercion, or

Thirdly.—by abduction, or

1. Added by Act 20 of 1923, s. 2.

2. Ins. by s. 3, *ibid.*

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

4. Ins. by Act 3 of 1951, s. 3 and the Sch.

5. Certain words omitted by s. 3 and the Sch., *ibid.*

6. Subs. by Act 13 of 2013, s. 8, for section 370 (w.e.f. 3-2-2013).

Fourthly.—by practising fraud, or deception, or

Fifthly.—by abuse of power, or

Sixthly.— 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, or the 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 minor, 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 minor, 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 minor 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.

370A. Exploitation of a trafficked person.—(1) Whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor 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 seven years, and shall also be liable to fine.

(2) Whoever, knowingly by 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 five years, and shall also be liable to fine.]

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.—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.

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for "transportation for life".

2. Subs. by Act 18 of 1924, s. 2, for certain words.

¹[*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.—Whoever buys, hires or otherwise obtains possession 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.*—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.—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.

⁴[*Sexual offences*

⁵[**375. Rape.**—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:—

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, 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.

1. Added by Act 18 of 1924, s. 3

2. Subs. by s. 2, *ibid.*, for certain words.

3. Added by s. 4, *ibid.*

4. Subs. by Act 43 of 1983, s. 3, for the heading “*Of rape*” and ss. 375 and 376.

5. Subs. by Act 13 of 2013, s. 9, for sections 375, 376, 376A, 376B, 376C and 376D (w.e.f. 03-02-2013).

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 eighteen years of age.

Seventhly.—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 fifteen years of age, is not rape.

376. Punishment for rape.—(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 seven 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—

(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 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 when she is under sixteen years of age; or

(j) commits rape, on a woman incapable of giving consent; or

(k) being in a position of control or dominance over a woman, commits rape on such woman; or

(l) commits rape on a woman suffering from mental or physical disability; or

(m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or

(n) 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, military 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 (5 of 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.

376A. Punishment for causing death or resulting in persistent vegetative state of victim.—Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 376 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.

376B. Sexual intercourse by husband upon his wife during separation.—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 375.

376C. Sexual intercourse by a person in authority.—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 375.

Explanation 2.—For the purposes of this section, *Explanation 1* to section 375 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.

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 376.

376D. Gang rape.—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 section shall be paid to the victim.

376E. Punishment for repeat offenders.—Whoever has been previously convicted of an offence punishable under section 376 or section 376A or section 376D 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.]]

Of 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 PROPERTY

Of Theft

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.

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.

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.

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

(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 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 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 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 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.—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.—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.—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.—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

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.—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.—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.—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.—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.—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 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.—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.—In all robbery there is either theft or extortion.

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

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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.—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.—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”.

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.—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.—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.—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.—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.—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.

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.

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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.—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.—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.—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.—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.

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 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.

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

(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 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.

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. 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[*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 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.]

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 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.

1. Ins. by Act 40 of 1973, s. 9 (w.e.f. 1-11-1973).

2. *Explanation* numbered 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).

(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.—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.—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.—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.—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.

Of the Receiving of 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 ^{2*** 3***}criminal breach of trust has been committed, is designated as “stolen property”, ⁴[whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without ⁵[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.—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.—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 ¹[imprisonment for life], or with rigorous imprisonment 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 the Sch., for “transportation for life” (w.e.f. 1-1-1956).

2. The word “the” rep by Act 12 of 1891, s. 2 and the First Sch.

3. The words “offence of” rep by Act 8 of 1882, s. 9.

4. Ins. by s. 9, *ibid*.

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

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 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.

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. 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.

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.

(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.—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.

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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. 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 a 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.—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.—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.—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.—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.—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.—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

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 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 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.—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.—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.—Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal or animals 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.—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, or any other animal of the value of fifty 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.

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.—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.—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.—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.—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.—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.—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 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.—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.

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 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.

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.—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.

Of 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.—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.

1. Ins. by Act 8 of 1882, s. 10

2. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation forlife” (w.e.f. 1-1-1956).

443. Lurking house-trespass.—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”.

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.—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 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.

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.—Whoever commits house-breaking after sunset and before sunrise, is said to commit “house-breaking by night”.

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.—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.—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.—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.—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.—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.—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.—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.—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.—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.—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.—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 may extend to fourteen years, and shall also be liable to fine.

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

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.—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.—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.—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 TO²*** PROPERTY MARKS

463. Forgery.—³[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.

464. Making a false document.—³[A person is said to make a false document or false electronic record—

First.—Who dishonestly or fraudulently—

(a) makes, signs, seals or executes a document or part of a document;

(b) makes or transmits any electronic record or part of any electronic record;

(c) affixes any ⁴[electronic signature] on any electronic record;

(d) makes any mark denoting the execution of a document or the authenticity of the ⁴[electronic signature],

with the intention of causing it to be believed that such document or part of document, electronic record or ⁴[electronic signature] was made, signed, sealed, executed, transmitted or 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

Secondly.—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 ⁴[electronic signature] 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 or an electronic record or to affix his ⁴[electronic signature] on any electronic record knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

2. The words “TRADE OR” omitted by Act 43 of 1958, s. 135 and Sch. (w.e.f. 25-11-1959).

3. Subs. by Act 21 of 2000, s. 91 and the First Sch., for certain words (w.e.f. 17-10-2000).

4. Subs. by Act 10 of 2009, s. 51, for “digital signature” (w.e.f. 27-10-2009).

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 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 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.

(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.

¹[*Explanation 3.*—For the purposes of this section, the expression “affixing ²[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 (21 of 2000).]

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.—³[Whoever forges a document or an electronic record], 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.

¹[*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 (21 of 2000).]

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 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.

468. Forgery for purpose of cheating.—Whoever commits forgery, intending that the ³[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.

469. Forgery for purpose of harming reputation.—Whoever commits forgery, ³[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.

470. Forged document.—A false ⁵[document or electronic record] made wholly or in part by forgery is designated “a forged ⁵[document or electronic record]”.

471. Using as genuine a forged document or electronic record.—Whoever fraudulently or dishonestly uses as genuine any ⁵[document or electronic record] which he knows or has reason to believe to be a forged ⁵[document or electronic record], shall be punished in the same manner as if he had forged such ⁵[document or electronic record].

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 punished with ⁴[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. Ins. by Act 21 of 2000, s. 91 and the First Sch. (w.e.f. 17-10-2000).

2. Subs. by Act 10 of 2009, s. 51, for “digital signature” (w.e.f. 27-10-2009).

3. Subs. by Act 21 of 2000, s. 91 and the First Sch., for certain words (w.e.f. 17-10-2000).

4. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

5. Subs. by Act 21 of 2000, s. 91 and the First Sch., for “document” (w.e.f. 17-10-2000).

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.—¹[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 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 ²[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.

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 ²[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.—Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating ³[any document or electronic record] 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.—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 ²[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.

⁴**[477A. Falsification of accounts.**—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 ⁵[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 ⁵[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.

1. Subs. by Act 21 of 2000, s. 91 and the First Sch., for certain words (w.e.f. 17-10-2000).

2. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

3. Subs. by Act 21 of 2000, s. 91 and the First Sch., for “any document” (w.e.f. 17-10-2000).

4. Added by Act 3 of 1895, s. 4.

5. Subs. by Act 21 of 2000, s. 91 and the First Sch., for “book, paper, writing” (w.e.f. 17-10-2000).

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.]

¹[Of²****Property and Other Marks*

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).*

479. Property mark.—A mark used for denoting that movable property belongs to a particular person is called a property mark.

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.—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.—Whoever uses ³***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.—Whoever counterfeits any ⁴***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.—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.

⁵[**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 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.]

486. Selling goods marked with a counterfeit property mark.—⁶[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,

1. Subs. by Act 4 of 1889, s. 3, for the original heading and ss. 478 to 489.

2. The word "*Trade*" omitted by Act 43 of 1958, s. 135 and the Sch. (w. e. f. 25-11-1959).

3. The words "any false trade mark or" omitted by s. 135 and the Sch., *ibid.* (w. e. f. 25-11-1959).

4. The words "trade mark or" omitted by s. 135 and the Sch., *ibid.* (w. e. f. 25-11-1959).

5. Subs. by s. 135 and the Sch., *ibid.*, for s. 485 (w. e. f. 25-11-1959).

6. Subs. by s. 135 and the Sch., *ibid.*, for certain words (w. e. f. 25-11-1959).

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.—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.—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.—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.—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.—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.

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.—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 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 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.]

⁴[**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.

1. Added by Act 12 of 1899, s. 2.

2. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

3. Subs. by Act 35 of 1950, s. 3 and the Second Sch., for “489C and 489D”.

4. Ins. by Act 6 of 1943, s. 2.

(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 SERVICE

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.—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.

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.*

CHAPTER XX

OF OFFENCES RELATING TO 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.—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.—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.—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.—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 an abettor.

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.

¹[CHAPTER XXA

OF CRUELTY BY HUSBAND OR RELATIVES OF HUSBAND

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.

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 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.

1. Ins. by Act 46 of 1983, s. 2.

(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 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 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 express 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 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.

(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 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 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.

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.—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.—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.—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

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.—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.

¹[**505. Statements conducing to 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

(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 ⁶[three years], or with fine, or with both.

⁷[(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.—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 ⁸[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.—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.

1. Subs. by Act 4 of 1898, s. 6, for s. 505.

2. Section 505 re-numbered as sub-section (1) of that section by Act 35 of 1969, s. 3.

3. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “or sailor”.

4. Subs. by s. 2 and the First Sch., *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” omitted by Act 35 of 1934, s. 2 and Sch.

6. Subs. by Act 41 of 1961, s. 4, for “two years”.

7. Ins. by Act 35 of 1969, s. 3.

8. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation” (w.e.f. 1-1-1956).

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.

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.—Whoever, intending to insult the modesty of any woman, utters any words, 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, ¹[shall be punished with simple imprisonment for a term which may extend to three years, and also with fine].

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

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 ²[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 ³[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 13 of 2013, s. 10, for "shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both" (w.e.f. 3-2-2013).

2. Subs. by Act 26 of 1955, s. 117 and the Sch., for "transportation" (w.e.f. 1-1-1956).

3. Subs. by s. 117 and the Sch., *ibid.*, for certain words (w.e.f. 1-1-1956).



Indian Penal Code



இந்திய தண்டனைச் சட்ட தொகுப்பு

INDIAN PENAL CODE

அத்தியாயம் - 1

CHAPTER - 1

இந்தியா முழுவதற்கும் பொதுவான ஒரு குற்ற இயல் சட்டத்தொகுப்பு மிகவும் அவசியம் என்று கருதி, கீழ் கண்டவாறு சட்டம் இயற்றப்பட்டுள்ளது.

இந்த சட்டம் 1860-ஆம் உருவாக்கப்பட்டது. இதை மெக்காலே பிரபுவும் அவரைச் சேர்ந்த நான்கு சட்ட நிபுணர்களும் உருவாக்கினார்கள் இந்த சட்டத்தில் 23 அத்தியாயங்களும் 511 சட்டப் பிரிவுகளும் உள்ளன.

1. பெயரும் எல்லையும் (Title and extent of operation of the code):

“இந்தியத் தண்டனைச் சட்ட தொகுப்பு” என்று இந்தச் சட்டம் அழைக்கப்படும். ஜம்மு, காஷ்மீர் பிரிவுகள் நீங்கலாக உள்ள இந்தியா முழுமைக்கும், இந்த சட்டத்துக்கு வரம்பு உண்டு.

2. இந்திய எல்லைக்குள் நடைபெறும் குற்றங்களுக்கு தண்டனை (Punishment of offences committed within India):

இந்தியாவில் குற்றவாளிகள் ஒவ்வொருவரும் இந்த சட்டப் பிரிவுகளில் கூறப்பட்டுள்ளபடி தத்தமது நடவடிக்கைகளுக்கு ஏற்ப தண்டனை பெறுவர். சட்டப்படி செய்ய வேண்டியவற்றைச் செய்யாது விட்டாலும் குற்றமாகும். அவர்களை இந்தச் சட்ட பிடியின்றி வேறு எந்த விதமாகவும் தண்டிக்கலாகாது.

3. வெளி நாடுகளில் செய்யப்பட்ட குற்றங்கள் (Punishment of offences committed beyond, but which by law may be tried within India):

இந்தியாவில் இயற்றப்பட்ட எந்த சட்டத்தின் கீழாவது இந்தியாவுக்கு வெளியே நடைபெற்ற ஒரு குற்றத்துக்காக ஒருவரை குற்றம் சாட்டி விசாரிக்க வேண்டுமென்றால், அவரையும் இந்த சட்டத்தொகுப்பின்படியேதான் விசாரணை நடத்த வேண்டும். குற்றம் இந்தியாவுக்கு வெளியே செய்யப்பட்டிருந்தாலும், இந்தியாவுக்குள் செய்யப்பட்டிருந்தால் எப்படி நடவடிக்கை எடுக்க வேண்டுமோ, அப்படியே நடவடிக்கை எடுக்கப்பட வேண்டும்.

4. Extension of code to extra – territorial offences:

- (i) இந்தியாவுக்கு உள்ளும், புறமும் உள்ள இந்திய குடிமக்கள் செய்யும் குற்றங்களுக்கும்.
- (ii) இந்தியாவில் பதிவு செய்யப்பட்டுள்ள கப்பல் அல்லது விமானத்தில் செய்யப்பட்ட குற்றங்களுக்கும், இந்த சட்டத் தொகுப்பில் கூறப்பட்டுள்ளவை பொருத்தமாக இருக்கும்.

விளக்கம் :

இந்தியாவில் தண்டனை பெறத்தக்க குற்றத்தை இந்தியாவுக்கு வெளியே செய்தாலும் குற்றமாகும்.

உதாரணம் :

இந்திய குடிமகனான கோபால், உகந்தா நாட்டில் ஒரு கொலையைச் செய்கிறான். இந்தியாவில் எங்கே இருந்தாலும் அங்கேயே அந்த கொலை குற்றத்துக்காக அவனை விசாரித்து தண்டிக்கலாம்.

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

இந்திய அரசின் கீழ் பணிபுரியும் தரை, கப்பல், விமானப் படைகளை சார்ந்த வீரர்களையும், அதிகாரிகளையும், கலகம் (Mutiny) செய்வதற்காகவும், படையினை துறந்து ஓடி விடுவதற்காகவும் தண்டிப்பதற்கு என உருவாக்கப்பட்டுள்ள எந்தச் சட்டத்தையும், இந்த சட்டத்தொகுப்பு பாதிக்காது.

அதே போன்று இயற்றப்பட்டுள்ள விசேஷச் சட்டங்களை எதனையும் பிராந்திய சட்டங்கள் எதனையும் இந்த சட்ட தொகுப்பில் உள்ளவை பாதிக்காது.

அத்தியாயம் - 2 (CHAPTER- 2)

பொது விளக்கங்கள் (General Explanations)

Definition in the code to be understood subject to Exceptions

குற்றங்கள் ஒவ்வொன்றும் இந்தச் சட்டத்தின் கீழ் அவற்றுக்கு உரிய தண்டனைகளுடன் விளக்கப்பட்டுள்ளது. அவற்றுக்குரிய விதிவிலக்குகளும் தரப்பட்டுள்ளன. இந்த விதிவிலக்குகள், 'பொது விதிவிலக்குகள்', என்ற அத்தியாயத்தின் கீழ் விளக்கப்பட்டுள்ளன.

எனவே சட்டத்தைப் பயன்படுத்தும் பொது விதி விலக்குகளுக்கு உட்படுத்திப் பயன்படுத்த வேண்டும்.

ஒவ்வோர் இடத்திலும் விதிவிலக்குகளை குறிப்படவில்லையே என்று ஒதுக்கிவிடக் கூடாது.

உதாரணம் :

குற்றங்கள் விளக்கி எழுதப்பட்டிருக்கின்றன. ஆனால் எந்தப் பிரிவிலும் ஏழு வயதுக்குக் குறைவான குழந்தை அந்தக் குற்றங்களை புரிந்தாலும், அதனை குற்றமாகக் கொண்டு தண்டனை அளிக்க முடியாது என்பதைக் குறிப்படவில்லை. ஆனால் சட்ட குறிப்புகளைப் படிக்கும்போது, ஏழு வயதுக்கு குறைந்த குழந்தை அந்த குற்றத்தை செய்திருப்பினும் அதனை தண்டனைக்கு உரியதாகக் கருதக்கூடாது என்பதைக் கருத்தில் கொள்ள வேண்டும்.

Sense of Expression once explained:

ஒவ்வொரு சட்ட விதியும் ஆங்காங்கு விவரிக்கப்பட்டுள்ளது. எத்தகைய பொருள் கொள்ளப்பட வேண்டும் என்று ஓர் இடத்தில் விளக்கப்பட்டிருக்கிறதோ, அதே பொருளில் இந்த சட்டம் முழுவதிலும் அந்த பதம் பயன் படுத்தப்பட்டுள்ளது.

'அவன் (ஈ)' (Gender) என்று இந்தச் சட்டத்தில் குறிப்பிடப்படும் பதமும் அதன் பல்வேறு உருபுகளும், ஆண், பெண் என்ற பாகுபாடன்றிப் பயன்படுத்தப்பட்டுள்ளன.

(Number) பன்மையில் கூறப்பட்டவை ஒருமையிலும் ஒருமையில், வருகின்றவற்றைப் பன்மையிலும் எடுத்துக் கொள்ளலாம். மாறுபாடாகக் கொள்ள வேண்டிய இடங்களில் சிறப்பாகச் சுட்டிக் காட்டுப்பட்டுள்ளது..

‘ஆண்’ (Man) என்ற சொல் ஆண்களில் எல்லா வயதினரையும் ‘பெண்’ என்ற சொல் பெண்களில் எல்லா வயதினரையும் வயது வித்தியாசமின்றிக் குறிக்கும்.

‘நபர்’ (Person) என்பது ஒரு கம்பெனி, சங்கம், ஆட்கள் கொண்ட குழு ஆகியவற்றையும் குறிக்கும்,

‘பொதுமக்கள்’ (Public), என்பது எல்லா மக்களையும், சமூகத்தினரையும் குறிக்கும்.

‘அரசு ஊழியர்’ (Servant of Government) என்ற சொல் அரசாங்கத்தால் அல்லது அரசாங்க அதிகாரத்தால் இந்தியாவில் பணி புரிந்து கொண்டிருப்பவரையும், நியமிக்கப்பட்டுள்ளவரையும் குறிக்கும்.

‘அரசு’ (Government) என்பது மத்திய அரசையும், மாநில அரசையும் குறிக்கும்.

‘இந்தியா’ (India) என்பது ஜம்மு, காஷ்மீர் நீங்கலாக உள்ள இந்தியா முழுவதையும் குறிக்கும்.

‘நீதிபதி’ (Judge), நீதிபதி பதவியில் இருப்போர், உரிமை இயல், அல்லது குற்ற இயல் நடவடிக்கைகளில் ஒரு தெளிவான தீர்ப்பினை உரைக்கும் அதிகாரம் பெற்றவர். இந்த சொல் தனி நபரையும் குறிக்கலாம், ஒரு குழுவையும் குறிக்கலாம்.

Court of Justice நீதி பூர்வமாக செயல்படும் அதிகாரம் பெற்ற ஒரு நீதிபதி அல்லது நீபதிகளை கொண்ட ஒரு குழு நீதி பூர்வமாக செயல்படும் போது அதனை நீதி மன்றம் என்று குறிப்பிடுகிறோம்.

பொது ஊழியர் (Public Servant) :

பொது ஊழியர் என்ற சொல் அடியில் கண்டவர்களை குறிக்கும்

1. முப்படைகளிலுள்ள அலுவலர்கள்
2. நீதிபதிகள் ஒவ்வொருவரும்
3. சட்ட பிரச்சனை அல்லது வேறு விவகாரங்களை பரிசீலித்தல், அறிக்கை கொடுத்தல், ஆவணத்தை வைத்திருத்தல், உண்டாக்குதல் அதிகார பூர்வமாக்குதல், சொத்துக்களை பொறுப்பேற்றல், நீதி பூர்வமான வேலைகளைச் செய்தல், சத்தியப்பிரமாணம் செய்வித்தல், மொழி பெயர்த்தல், நீதி மன்றத்தின் ஒழுங்கை நிலை நாட்டல், ஆகியவற்றிற்காக நீதி மன்றத்தால் நியமிக்கப்பட்ட அலுவலர், அல்லது அத்தகைய கடமைகளில் ஒன்றை நிறைவேற்றுவதற்காக நீதிமன்றத்தால் நியமிக்கப்படுபவர்.
4. ஜூரி, அஸசர், நீதிமன்றத்துக்கு அல்லது வேறு பொது ஊழியருக்கு துணை புரியும் பஞ்சாயத்தாரர்.
5. Jury (ஜூரி) அரசு நீதி மன்றத்திற்கு அல்லது பொது ஊழியருக்கு உதவி புரியும் பஞ்சாயத்தாரர்.
6. நீதிமன்றத்தால் ஒரு விவகாரத்தைப் பரிசீலிக்க நியமிக்கப்பட்ட நடுவர்.
7. தான் ஏற்று இருக்கும் அலுவல் காரணமாக யாரையேனும் காவலில் வைத்திருக்கும் அதிகாரம் பெற்றவர்கள்.

8. குற்றங்களைத் தடுப்பதற்கும், குற்றங்கள் பற்றிய தகவல்களைக் கொடுப்பதற்கும், குற்றவாளிகள் நீதிமன்றத்தின் முன் கொண்டு வருவதற்கும், பொது சுகாதாரத்தைப் பாதுகாப்பதற்கும் அரசால் நியமிக்கப்பட்ட அனைவரும் பொது ஊழியர் ஆவார்.
9. சொத்தை எடுக்க, விற்றுக்கொள்ள, வைத்திருக்க, செலவீடு செய்யக் கடமைப்பட்ட அலுவலர்.
10. ஒரு கிராமத்தின், நகரத்தின், மாவட்டத்தின் பொதுக்காரியத்துக்காக வரி விதித்தல், அளத்தல், மதிப்பீடு செய்தல் அல்லது ஒரு கிராமத்தின், நகரத்தின் அல்லது மாவட்டத்தின் மக்களுடைய உரிமைகளை நிர்ணயிப்பதற்காகத் தேவைப்படும் ஆவணங்களை உண்டாக்க அல்லது அதிகார பூர்வமாக வைத்திருக்கக் கடமைப்பட்டுள்ளவர் ஒவ்வொருவரும்..
11. தேர்தல் சம்பந்தமான அலுவல் செய்பவரும் பொது ஊழியர் ஆவார்.
12. அரசிடம் பொது ஊழியத்திற்காகக் சம்பளம் அல்லது சன்மானம் பெறும் ஒவ்வொருவரும், மத்திய, மாநில சட்டத்தின்கீழ் நிறுவப்பட்ட நிறுவனங்களின் ஊழியத்திற்காகப் பணிபுரியும் அனைவரும் பொது ஊழியர் ஆவார்.

பிரிவு – 22

அசையும் பொருட்கள்

பூமியும், பூமியுடன் இணைக்கப்பட்டுள்ள பொருட்களையும் அல்லது நிரந்தரமாக பூமியுடன் இணைக்கப்பட்டுள்ள பொருட்களுடன் பிணைக்கப்பட்ட பொருட்களையும் தவிர மற்ற எல்லா பொருட்களும் அசையும் பொருட்கள் என்று சொல்லப்படும்.

பிரிவு – 23

சட்டவிரோதமான, ஆதாயம், சட்ட விரோதமான இழப்பு

Wrongful Gain, Wrongful Loss

சட்ட விரோதமான ஆதாயம் என்பது சட்ட பூர்வமாக உரிமையில்லாத ஒரு சொத்தை சட்டவிரோதமாக அடையும் ஆதாயமாகும்.

சட்ட விரோதமான இழப்பு என்பது ஒரு சொத்தை சட்ட விரோதமான முறையில் இழந்தால் அதற்கு சட்ட விரோதமான இழப்பு என்று பெயர்.

பிரிவு – 24

நேர்மையின்மை

Dishonesty

ஒருவன் மற்றொருவனுக்கு அநியாய இலாபம் அடைவதற்கும் அல்லது அநியாய நஷ்டம் ஏற்படுத்துவதற்கும் உள்கருத்துடன் ஒரு காரியம் அவன் நேர்மையின்றி காரியம் புரிவதாக கொள்ளப்படும்.

பிரிவு – 25

மோசடி

ஒருவர் மற்றொருவரை ஏமாற்ற வேண்டும் என்ற நோக்கத்துடன் ஒரு காரியம் செய்யும்பொழுது மோசடி செய்வதாக கொள்ளப்படும்.

பிரிவு – 26

நம்பத்தகுந்த காரணம்

Reason to believe

ஒரு விசயத்தை நம்புவதற்கு ஏற்ற ஒரு காரணம் இருந்தால் அதனை நம்பத்தகுந்த காரணம் என்று சொல்லப்படும்.

பிரிவு - 27

மனைவி, குமாஸ்தா அல்லது வேலைக்காரனிடம் உள்ள சொத்து

Property in possession of Wife, Clerk or Servant

ஒரு சொத்து ஒரு நபரின் மனைவி, குமாஸ்தா அல்லது வேலைக்காரனிடம் இருந்தால் அந்த சொத்து அந்த நபரிடம் இருந்ததாகவே இந்தச் சட்டப்படி கருதப்படும்.

பிரிவு -28

போலியாகச் செய்தல்

Counterfeit

ஒருவன் ஒரு பொருளைப் போலவே மற்றொரு பொருளை போலியாக செய்து அதன் மூலம் பிறரை ஏமாற்ற வேண்டும் என்ற நோக்கத்துடன் அல்லது அதன் மூலம் பிறர் ஏமாற்றப்படுவர் என்று அறிந்திருந்தும் அத்தகைய போலி உற்பத்தியில் ஈடுபடுவதை போலியாக செய்தல் எனப்படும்.

பிரிவு – 33

செயல் செய்யாது இருத்தல்

Act of omission

ஒரு செயலை மட்டுமின்றி பல செயல்களையும் இது குறிக்கம். அதே போன்று செய்யாது விடுத்தாலும் ஒன்றில்லாமல் பலவற்றையும் குறிக்கும்.

பிரிவு – 34

கூட்டு நோக்கம்

Common intention

ஒரு குற்ற செயலை கூட்டு நோக்கோடு புரியும்போது ஒவ்வொருவரும் தன்னந்தனியாக அந்த குற்றத்தை புரிந்தவராகவே கருதப்படும்.

பிரிவு – 39

தன்னிச்சைப்படி

Voluntarily

ஒரு முடிவை கருத்தில் கொண்டு ஒரு செயல் செய்யப்படுகின்றது. செய்பவனுக்கு அதன் விளைவு என்னவென்று தெரியும். அல்லது என்ன நடக்கும் என்பதை பற்றிய தெளிவு அவனுக்கு இருக்கும். அப்படி ஒருவன் தான் நினைத்த விளைவை பெறவேண்டும் என்று ஒரு காரியம் ஆக்கும் போது அவனை தன்னிச்சைப்படி காரியம் செய்வதாக கருதப்படும்.

பிரிவு – 44

துன்பம்

Injury

சட்டத்திற்கு முரணான ஒருவருடைய உடல் மற்றும் மனம், புகழ் அல்லது சொத்துக்கு இழைக்கப்படும் தீங்கை குறிக்கும்.

பிரிவு – 45

உயிர்

Life

உயிர் என்பது மனித உயிரையே குறிக்கும். வேறு பொருள் கொள்ள வேண்டிய இடங்களில் அதற்கான விளக்கம் தனியாக தரப்பட்டுள்ளது.

பிரிவு – 46

மரணம்

Death

வேறு வகையான விளக்கம் தரப்பட்டாலன்றி மரணம் என்பது மனிதனுடைய மரணத்தையே குறிக்கும்.

பிரிவு – 52

நல்லெண்ணம்

Good Faith

அக்கறையுடனும், கருத்துடனும் செய்யக்கூடாத எதையும் நல்லெண்ணத்துடன் செய்யப்பட்டதாக கொள்ள முடியாது. அதே போல அக்கறையுடனும் கருத்துடனும் பரிசீலித்து நம்பிக்கைக்கு உரியதாக கொள்ள தகாதவற்றை நல்லெண்ணத்துடன் செய்ததாக கூற முடியாது.

அத்தியாயம் - 3

(CHAPTER - 3)

பொது விதிவிலக்கு

(General Exceptions)

பிரிவு— 76

குற்றம், குற்றமாகாத சந்தர்ப்பங்கள்

Act done by a person bound or by mistake of fact believing himself bound bylaw

சட்டத்தின் மூலம் ஒரு காரியத்தை செய்ய வேண்டிய கடமை உள்ள ஒருவர் அப்படி கடமையாற்றும் பொழுது நல்லெண்ணத்துடன் ஒரு காரியத்தை அத்தகைய நல்லெண்ணத்துடன் தவறாக செய்தாலும் குற்றமாகாது.

உதாரணம் :

மேலதிகாரிகளின் உத்திரவுப்படி ஒரு போலிஸ்காரர் ஒரு கூட்டத்தில் மீது துப்பாக்கி பிரயோகம் செய்கிறார். அவர் மீது எந்த குற்றமும் சாராது.

ஒரு நீதிமன்றத்திற்கு உத்திரவு பெற்ற அதிகாரிக்கு ராமனை கைது செய்ய வேண்டும் என்று உத்திரவிடப்படுகிறது. ஆனால் அவர் தவறுதலாக ராமன் என்று நினைத்துக் கொண்டு முனியனை கைது செய்துவிட்டால் அது குற்றமாகாது.

பிரிவு - 77

சட்டம் தனக்கு வழங்கியுள்ள அதிகாரத்தை பயன்படுத்தி ஒருவரை நீதிபதி தண்டிக்கிறார். தனக்கு ஒரு அதிகாரம் கொடுக்கப்பட்டிருக்கிறது என்ற நல்லெண்ணத்துடன் தண்டனை கொடுக்கலாம். அதற்காக அந்த நீதிபதியை குற்றம்சாட்ட முடியாது.

பிரிவு - 78

ஒரு உத்திரவு அல்லது தீர்ப்பு நீதிமன்றத்தால் வெளியிடப்படுகிறது. அந்த தீர்ப்பு அல்லது உத்திரவு அமுலில் இருக்கும் போது அதனை ஒட்டி செய்யப்படும் காரியங்கள் குற்றம் என்று கொள்ள முடியாது. அந்த நீதி மன்றத்திற்கு அத்தகைய தீர்ப்பு அல்லது உத்திரவை தருவதற்கு போதுமான அதிகாரம் கூட இல்லாதிருக்கலாம். உத்திரவின்படி நடப்பவர் நீதிமன்றத்திற்கு அத்தகைய அதிகாரம் இருக்கிறது என்ற நல்லெண்ணத்துடன் செயல்படுவதால் அந்த செயல் குற்றமாவதில்லை.

பிரிவு - 79

சட்டத்தின் கீழ் உரிமைப்பெற்று கடமையாற்றுவோர் நல்லெண்ணத்துடன் தவறுதலாக ஒரு காரியத்தை சரியானது என்று எண்ணி குற்றம் புரிந்திருந்தால் அதுவும் குற்றமாகாது.

உதாரணம் :

ராமனுக்கும் கோவிந்தனுக்கும் ஏற்பட்ட சண்டையில் தன்னை காப்பாற்றி கொள்ள கோவிந்தனை ராமன் கொல்ல நேரிடுகிறது. இந்த நிலையில் ராமனை குற்றவாளி ஆக்க முடியாது. இருப்பினும் அதை கண்ட ராஜ் தன்னுடைய கடமையை செய்வதாக நினைத்துக் கொண்டு நல்ல எண்ணத்துடன் ஒரு குற்றவாளியைப் போல் ராமனை நினைத்து கைது செய்து அதிகாரி முன்னால் கொண்டு வருகிறான். இங்கே ராஜ் ஒரு குற்றமும் புரியவில்லை.

பிரிவு— 80

சட்ட ரீதியான முறையில் சட்ட ரீதியான வழிகளைப் பற்றி சட்டத்திற்கு உட்பட்ட ஒரு காரியம் கருத்துடனும் கவனத்துடனும் நடைபெறுகின்றது. அப்படி காரியம் ஆக்கும்போது குற்ற கருத்தும் குற்றத்தைப்பற்றி தெளிவும் இல்லாமல் எதிர்பாராத விதமாக நிகழும் விபத்து அல்லது துன்பத்தை குற்றமாக கொள்ளப்படமாட்டாது.

உதாரணம் :

ராமன் மரம் வெட்டிக்கொண்டிருக்கிறான். கோடாரியின் முனை திடீரென்று வழக்கி போய் பக்கத்தில் நின்று கொண்டிருக்கும் மனிதனை தாக்கி கொன்று விடுகிறது. ராமனுடைய அஜாக்கிரதையினால் அந்த நிகழ்ச்சி நடைபெறவில்லை என்றால் ராமனுடைய செயல் குற்றமற்றது.

பிரிவு - 81

ஒருவருக்கு தீங்கு இழைக்க வேண்டும் என்ற குற்ற கருத்து இல்லாமல், நல்லெண்ணத்துடன் ஒரு மனிதர் அல்லது சொத்துக்கு தீங்கு ஏற்படுவதை தடுக்க அல்லது தவிர்க்க ஒரு காரியம் நடைபெறுகிறது. அப்போது தீங்கு ஏற்படும் என அறிந்தும் அந்த காரியத்தை செய்து தீங்கு நிகழ்ந்தால் அது குற்றமாகாது.

உதாரணம் :

தீ பற்றி வீடுகள் எரியும் போது தீ பரவாமல் தடுப்பதற்காக பக்கத்தில் உள்ள வீடுகளை கிருஷ்ணன் பிரித்து தள்ளுகிறான். மனித உயிர்களையும் சொத்துக்களையும் காப்பாற்றவேண்டும் என்ற நல்லெண்ணத்துடன் இந்த காரியம் செய்யப்படுகிறது. அபாயத்தை தடுப்பதற்காக கிருஷ்ணன் அக்கம் பக்கத்து வீடுகளை பிரித்தது சரி என்றால் அவன் மீது குற்றம் சுமத்த முடியாது.

பிரிவு - 82

7 வயதுக்குட்பட்ட குழந்தை எந்த காரியத்தை செய்தாலும் அது குற்றம் ஆகாது.

பிரிவு - 83

தன்னுடைய நடவடிக்கைகளின் காரண காரியங்களை புரிந்து கொள்ளக் கூடிய அளவுக்கு அறிவு முதிர்ச்சி பெறாத 7 வயதுக்கு மேல் 12 வயதுக்குட்பட்ட குழந்தைகள் செய்ததை குற்றம் என்று கொள்ள முடியாது.

பிரிவு - 84

சித்தசுவாதீனமற்ற நிலையில் தான் செய்வது என்னவென்று புரிந்துகொள்ள முடியாத நிலையில் ஒருவர் புரியும் செயல் குற்றமாகாது.

பிரிவு - 85

மது போதை ஊட்டப்பட்ட ஒருவர் தான் செய்வதை இன்னதென்று பகுத்தறிய முடியாத சூழ்நிலையில் செய்யக்கூடிய எதனையும் குற்றமாக கொள்ள முடியாது. ஏனெனில் தான் செய்யும் காரியம் சட்டத்திற்கு உட்பட்டதா அல்லது சட்டத்திற்கு எதிரானதா என்பதனை அவரால் அப்போது அறிய முடியாது. இதில் உள்ள ஒரு முக்கியமான நிபந்தனை என்னவென்றால் மது போதையை அவருடைய விருப்பத்திற்கு விரோதமாக பிறர் ஊட்டி இருக்க வேண்டும். அல்லது உண்ட பொருள் போதை தர தக்கது என்பதை அவன் அறியாது உண்டு இருக்க வேண்டும்.

அத்தியாயம் - 4

(CHAPTER - 4)

தற்காப்பு உரிமை Right of Private Defence

இந்த அத்தியாயத்தில் Section 96 முதல் 106 வரை தற்காப்பு உரிமைப் பற்றி விளக்கப்பட்டுள்ளது.

பிரிவு – 96

சில நேரங்களில் நம்மை பிறரிடமிருந்து காப்பாற்றி கொள்வதற்காக சில காரியங்களை செய்ய வேண்டி இருக்கிறது. அதனால் பிறருக்கு தீங்கு கூட ஏற்படலாம். அந்த தீங்கு சொத்துக்கு நஷ்டம் உண்டாக்குவதற்காகவோ உடலுக்கு காயம் விளைவிப்பதற்காகவோ அல்லது தவிர்க்க முடியாத நேரத்தில் மரணம் சம்பவிக்க கூடியாதகவோ கூட அமையலாம். ஆனால் அத்தகைய செயலை தண்டனைக்குரிய குற்றமாக கருத முடியாது.

ஆனால் அதற்கும் ஒரு வரையரை உண்டு. நம்மை தேடி கொண்டு ஒருவன் தாக்க வரும்போது அவன் கையிலுள்ள தடியை பிடுங்க முயற்சி செய்யலாம். அவனை அப்போது தடியால் தாக்கி அவனுடைய கையிலுள்ள தடியை பிடுங்க செய்யலாம். இது குற்றமாகாது. ஏனெனில் நம்மை காப்பாற்றிக் கொள்ள அவ்வாறு செய்கிறோம். ஆகவே அந்த செயல் குற்றமாகாது.

ஆனால் தற்காப்பு என்ற பெயரால் தடிகொண்டு தாக்க வருபவனை எதிர்த்து அரிவாளால் தாக்குவது சரியில்லை. அவசியமும் அல்ல.

ஓர் எதிரியிடமிருந்து நம்மை காப்பாற்றிக் கொள்ள வேண்டும் என்கிற அவசியம் ஏற்படும் பொழுது நமக்கு வரும் ஆபத்தை தவிர்க்க எந்த அளவுக்கு வன்முறையை கையாள வேண்டுமோ அந்த அளவுக்கு மேல் அத்துமீறி கையாளக் கூடாது. அப்படி அத்து மீறும் போது நாம் செய்யும் காரியம் தண்டனைக்குரிய குற்றமாகிறது.

நம்மால் பொறுத்துக் கொள்ள முடியாத அளவுக்கு கொடுமையான துன்பத்தை எதிரி செய்ய முற்படும்பொழுது அவன் கொலை செய்து விட்டாலும் குற்றமாகாது. தற்காப்பின் நிமித்தம் செய்யப்பட்ட காரியமாகவே அந்த கொலை கருதப்படும்.

ஏனெனில் எதிரி, நமக்கு இழைக்கும் கொடுமையால் பொங்கி எழுந்து உணர்ச்சி வசப்பட்ட சூழ்நிலையில் எதிரியை திருப்பி தாக்க நேரிடலாம். அத்தகைய தாக்குதலின் விளைவாக காயமடைந்த எதிரி மரணமடைய கூடும். அந்த மரணம் தற்காப்பின் விளைவாக நேரிட்டது என்றால், அதற்கு தண்டனை இல்லை. ஏனெனில் 96-வது பிரிவின்படி தற்காப்புக்கு என்று செய்யப்படும் எந்த காரியமும் தண்டனைக்குரிய குற்றமாகாது.

பிரிவு - 97

உடலையும், உடமையையும் தற்காத்து கொள்ளும் உரிமை Right of Private Defence of the Body and of Property

ஒவ்வொரு நபருக்கும் தன்னுடைய உடலையும், பிறருடைய உடலையும் தாக்க கூடிய குற்றங்களிலிருந்து காப்பாற்றிக் கொள்ளும் உரிமை உண்டு. இரண்டாவதாக தன்னுடைய சொத்துக்களையும், பிறருடைய சொத்துக்களையும் பாதிக்க கூடிய குற்றங்களிலிருந்து காப்பாற்றிக் கொள்ளும் உரிமை உண்டு (சொத்து என்பது அசையும் பொருட்களையும், அசையாத பொருட்களையும் குறிக்கும் திருட்டு, கொள்ளை சொத்துக்களை அழித்தல், வரம்பு மீறி ஆளுதல் ஆகியவை சொத்துக்களை சம்பந்தப்பட்ட குற்றமாகும்).

Right of Private Defence against the Act of Person of a Unsound Mind etc.

திறமையின் காரணமாகவும் அறிவு தெளிவடையாத காரணத்தினாலும் புத்தி சுவாதீனமில்லாததாலும், போதையின் விளைவாகவும் ஒருவர் புரியும் குற்றச்செயலை குற்றமாக கருத இயலாவிட்டாலும் அத்தகைய நடபர்களிடமிருந்து, நம்மை காப்பாற்றி கொள்ளும் உரிமை நமக்கு இருக்கிறது.

உதாரணம்:

புத்தி சுவாதீனமில்லாமல் ராஜன், ராமசாமியை கொலை செய்ய முயற்சி செய்கிறார். ராஜன் மீது குற்றம் சாட்ட முடியாது. இருப்பினும் ராஜனிடமிருந்து தன்னை காப்பாற்றிக் கொள்வதற்காக ராமசாமி என்ன செய்தாலும் அதனை குற்றமாக கொள்ள முடியாது.

தற்காப்புரிமை இல்லாமல் போகும் சந்தர்ப்பங்கள் Act against which there is no right of private defence

ஒரு பொது ஊழியர் நல்லெண்ணத்துடன் செய்யும் அல்லது செய்ய முயற்சி செய்யும் காரியத்தை எதிர்த்து தற்காப்பு உரிமையை பிரயோகிக்க முடியாது. அப்படி தற்காப்பு உரிமையை பிரயோகிக்க வேண்டுமென்றால், அந்த பொது ஊழியரின் செயலால் மரணம் அல்லது கொடுங்காயம் ஏற்படக்கூடும் என்ற நியாயமான உணர்வு எழவேண்டும்.

பொது ஊழியரின் செய்கை சட்டப்படி முறையற்றதாகக் கூட இருக்கலாம். இருப்பினும் அவரை எதிர்க்கத் தற்காப்பு உரிமையைப் பயன்படுத்தக்கூடாது.

அதே போல் நல்லெண்ணத்துடன் செயல்படும், ஒருவரின் ஆணையின் கீழ் நடைபெறும் காரியத்தையும் எதிர்க்க முடியாது. அந்தக் காரியம் சட்ட வரம்புக்கு அப்பாற்பட்டதாக இருப்பினும் எதிர்க்க முடியாது. அப்படித் தற்காப்பு உரிமையைப் பயன்படுத்தி எதிர்க்க வேண்டுமென்றால், அந்தச் செயலின் மூலம் மரணம் அல்லது கொடுங்காயம் சம்பவிக்கக் கூடும் என்ற நியாய பூர்வமான அச்சம் ஏற்பட வேண்டும்.

அதே போன்று அந்தச் செயலை எதிர்த்து அரசாங்க அதிகாரிகளின் உதவியையும் பாதுகாப்பையும் நாடிப்பெறுவதற்கான அவகாசம் இருக்கும் போதும் தற்காப்பு உரிமையைப் பயன்படுத்தல் ஆகாது.

தற்காப்பு உரிமையை எல்லை மீறிப் பயன்படுத்தக்கூடாது. தற்காப்புக்காகத் தாக்க நேரிட்டால் அளவுக்கு மீறித் தீங்கு உண்டாக்கக் கூடாது. தன்னைக் காத்துக் கொள்ள எந்த அளவுக்குத் தாக்குதல் நடத்தல் வேண்டுமோ அதற்கு மேல் சென்று தாக்குதல் நடத்தக் கூடாது.

Explanation:

1. காரியத்தை செய்பவர் பொது ஊழியர் என்று தெரியாமல் தற்காப்பு உரிமையை பயன்படுத்தி இருந்தால் அது தவறாகாது.

2. அதே போல் பொது ஊழியரின் ஆணைப்படி ஒரு காரியம் செய்யப்படுகிறது என்பதை அறியாமல் தற்காப்பு உரிமையை பயன்படுத்தினால் அது குற்றமாகாது.

பிரிவு - 100

தற்காப்பு உரிமையைப் பயன்படுத்தும் காலத்து இறப்பு ஏற்படும் சந்தர்ப்பங்கள்

When the right of Private Defence of the body extends to causing Death

அடியில் சொல்லப்பட்ட நேரங்களில் நம்மை நாமே தற்காத்துக்கொள்ளும் பொருட்டுச் செய்யப்படும் காரியத்தால் எதிரிக்கு மரணம் சம்பவித்தாலும் அல்லது வேறு ஏதாவது கெடுதல் நேரிட்டாலும் அதனைக் குற்றமாகக் கொள்ள முடியாது அந்தச் சந்தர்ப்பங்களாவன,-

1. நம்மை எதிரி தாக்கி கொலை செய்யக் கூடும் என்ற அச்சம் ஏற்படும் போது;
2. நம் உடலுக்கு எதிரியின் செயலால் கொடுங்காயம் ஏற்படலாம் என்ற எண்ணம் தோன்றும் போது;
3. கற்பழிக்க வேண்டும் என்ற நோக்கத்துடன் எதிரி தாக்கும் போது;
4. இயற்கைக்கு மாறான முறையில் தன்னுடைய காம இச்சையை தீர்த்துக்கொள்ள வேண்டும் என்ற வெறியுடன் எதிரி நெருங்கும் போது;
5. கடத்தி செல்லவேண்டும் என்ற கருத்துடன் நம்மை அண்டி உள்ளவரை எதிரி தாக்க முனையும் போது;
6. சட்ட விரோதமாக ஒருவரை எதிரி காவலில் வைப்பதற்கு என முயற்சிசெய்து அதிலிருந்து சட்டபூர்வமாக அதிகாரிகளை அணுகி விடுதலை பெறமுடியாத நிலை ஏற்படும் போது, இந்த சந்தர்ப்பங்களில் புரியப்படும் செயலை குற்றமாக கொள்ள முடியாது.

பிரிவு - 101

எதிரிக்கு தற்காப்புரிமையை பயன்படுத்தும்போது மரணம் ஏற்படுத்தக் கூடாத சந்தர்ப்பங்கள்

When such right extends to causing any harm other than Death

மேலே குறிப்பிட்டுள்ள பிரிவில் விவரிக்கப்பட்டுள்ள குற்றங்களில் ஒன்றை எதிரி செய்ய முற்படும் போது மட்டும் தற்காப்புக்கென திரும்பி தாக்குவதால் எதிரிக்கு மரணம் ஏற்பட்டாலும் அதனை குற்றமாக கொள்ள முடியாது, மற்ற சமயங்களில் 99-வது பிரிவில் கூறியுள்ளபடி மரணத்தை தவிர வேறு எத்தகைய தீங்கு நேர்ந்தாலும் குற்றமாகாது. அப்படி மீறி மரணமடைந்தால் அத்தகைய மரணத்தை தற்காப்புக்கென செய்யப்பட்ட மரணம் என்று கொள்ளப்பட மாட்டாது.

பிரிவு - 102

தற்காப்பு உரிமை ஆரம்பிக்கும் மற்றும் நீடிக்கும் காலம்

Commencement and continuance of the right of Private Defence of the Body

நம்முடைய உடலுக்கு ஆபத்து ஏற்பட போகிறது என்ற அச்சம் எப்போது நமக்கு தோன்றுகிறதோ அந்த நேரத்திலிருந்து நம்மை தற்காத்து கொள்ளும் உரிமையும் நமக்கு கிடைக்கிறது.

நம் உடலுக்கு தீங்கு செய்யக்கூடிய குற்றத்தை எதிரி புரியாவிட்டாலும் புரிவதற்கான முயற்சியை அல்லது மிரட்டலை அவன் மேற்கொண்டாலே போதும். நம்மை பாதுகாத்து கொள்ளும் நடவடிக்கையை நாம் உடனே மேற்கொள்ளலாம்..

பிரிவு — 103

சொத்துக்கு அழிவு ஏற்படும்போது தற்காப்பு உரிமையை பயன்படுத்துவதால் மரணம் ஏற்படும் சந்தர்ப்பங்கள்

When the right of Private Defence of property extends to causing Death

நமது சொத்துக்களை கொள்ளை அடிக்கவரும் போதும், இரவு நேரத்தில் வீட்டை இடித்து, உடைத்து உள்ளே நுழைய எத்தனிக்கும் போதும், தீ வைத்து சொத்துக்களை அழிக்க முனையும்போதும், திருடுவதற்காக அல்லது தொல்லை தருவதற்காக அத்துமீறி நம்மிடத்தில் நுழைய முயற்சி செய்யும்போதும் அந்த முயற்சியால் நமக்கும் நம்மை அண்டியுள்ளவர்களுக்கும் மரணம் சம்பவிக்கலாம், என்ற அச்சம் ஏற்படும்போதும், அத்தகைய எதிரியை நாம் தாக்கி, அதனால் எதிரிக்கு மரணம் சம்பவித்தாலும் அதனை குற்றமாக கொள்ள முடியாது. அந்த செயல் தற்காப்புக்காக செய்யப்பட்டதாகவே கருதப்பட வேண்டும்.

பிரிவு — 104

சொத்துக்கு அழிவு ஏற்படும்போது தற்காப்புரிமையைப் பயன்படுத்துவதால் மரணம் ஏற்படக்கூடாத சந்தர்ப்பங்கள்

When such right extends to causing any harm other than Death

மேலே குறிப்பிட்டுள்ள குற்றங்களன்றி திருட்டு, தொல்லை தருதல், வரம்பு மீறல் ஆகிய குற்றங்களை பிறர் செய்தாலும், செய்ய முயற்சி செய்தாலும் தற்காப்புக்கு என்று முயற்சி செய்தாலும் தற்காப்புக்கு என்று மரணத்தை தவிர வேறு எந்த தீங்கை வேண்டுமானாலும் எதிரிக்கு செய்யலாம். வேண்டுமென்றே மரணம் சம்பவிக்கும்படி மட்டும் செய்யக்கூடாது.

பிரிவு — 105

சொத்துக்கு தற்காப்புரிமை ஏற்படும் மற்றும் நீடிக்கும் காலம்
Commencement and continuance of the right of private defence of Property

எப்போதும் நம்முடைய சொத்துகளுக்கு ஆபத்து என்ற பயம் உண்டாகிறதோ அப்பொழுதே நம்முடைய சொத்தினைப் பாதுகாக்கும் உரிமையும் நமக்குக் கிடைக்கின்றது.

நமது சொத்தைத் திருட வரும் பொழுது, திருடனிடமிருந்து நமது சொத்தை மீட்கும் வரையில் நமக்கு அந்த உரிமை இருக்கிறது. அல்லது அவற்றை மீட்க அதிகாரிகளின் உதவி நமக்குக் கிடைக்கும் வரையில் அந்த உரிமை இருக்கிறது.

அதேபோல் சொத்துக்களைக் கொள்ளை அடிப்பதற்காக வரும்போதும் கொள்ளையடிக்க முயற்சி செய்யும்போதும் மரணம் அல்லது தவறாகத் தடை செய்யும் அபாயம் ஏற்படும் பொழுதும், அத்தகைய அபாய நிலை அல்லது உணர்வு நீங்கும் வரையில் நமக்குத் தற்காப்பு உரிமை இருக்கின்றது.

அதே போல் குற்றவாளி அத்துமீறி நுழைதல், சொத்துக்களை அழித்தல் ஆகிய குற்றங்களைத் தொடர்ந்து புரியும்வரை நமக்குத் தற்காப்பு உரிமை இருக்கின்றது.

பிரிவு - 106

தற்காப்பு உரிமையை கையாளும் போது நம் அருகில் இருப்பவருக்கு
ஆபத்து ஏற்படுத்துதல்

Right of private defence against deadly assault when there is risk of harm to innocent person

மரணத்தைப் பற்றிய அச்சத்தை உண்டாக்கக் கூடிய தாக்குதலிலிருந்து நம்மை நாம் தற்காத்துக்கொள்ளும் முயற்சியில் தவிர்க்க முடியாத சூழ்நிலைகளால் நிரபராதியான மற்றொருவருக்குத் தீங்கு ஏற்பட்டாலும் அந்த செயல் குற்றமாகாது.

உதாரணம்:

அமர்சிங்கைக் கொலை செய்யும் நோக்கத்துடன் ஒரு கூட்டம் தாக்க முற்படுகின்றது. கூட்டத்தின் மீது துப்பாக்கிப் பிரயோகம் செய்யாமல் தப்பிக்க முடியாது. ஆனால் அப்படித் துப்பாக்கிப் பிரயோகம் செய்யும் பொழுது கூட்டத்தில் கலந்துள்ள குழந்தைகளுக்குத் தீங்கு நேரிடலாம். தற்காப்புக்கென அந்தக் கூட்டத்தை நோக்கிச் சுடுவதால், அந்தக் குழந்தைகளுக்குத் தீங்கு ஏற்பட்டாலும் அமர்சிங் மீது குற்றம் சுமத்த முடியாது.

அத்தியாயம் - 8 (CHAPTER - 8)

பொது அமைதிக்கு பங்கம் விளைவிக்கும் குற்றங்கள் Offences against the Public Tranquility

நாட்டில் அரசாங்கம் நல்லமுறையில் நடக்கவேண்டுமெனில் பொது அமைதி பாதுகாக்கப்பட வேண்டும். அமைதியின்மையும், வன்முறைச் செயல்களும் ஜனநாயக ரீதியிலான அரசாங்கத்திற்கு எதிரான அராஜகவாதிகளின் பலத்தை குவித்து நீதியாக அமைக்கப்பட்ட அரசாங்கத்தை நிலைகுலையச் செய்துவிடும். எனவே பொது அமைதியைக் காப்பதற்குச் சட்டபூர்வமான நடவடிக்கைகள் தேவைப்படுகின்றன. அமைதியைக் குலைக்க முற்படுவோரைக் கண்டித்து தண்டிக்கவேண்டியது அவசியமாகிறது. ஆகவே, பொது அமைதிக்கு எதிரான குற்றங்களையும் அவற்றிற்கு வழங்கப்படும் தண்டனைகளையும் இனி கவனிப்போம்.

பிரிவு - 141

சட்ட விரோதமான கூட்டம் Unlawful Assembly

1. மத்திய அரசை அல்லது மாநில அரசை வன்முறைச் செயல்களாலும் அச்சுறுத்தல்களாலும் தத்தம் கடமையினைச் செய்யவிடாமல் தடுப்பது;
2. சட்ட பூர்வமாக நிலைநாட்டப்பட்ட ஒழுங்கை அல்லது நடவடிக்கையை எதிர்ப்பது;
3. அத்துமீறி நுழைதல், சொத்துக்களை அழித்தல், வேறு குற்றங்களைச் செய்தல்;
4. மற்றவர்களின் தனி உரிமைகளை வன்முறைச் செயல்களினாலோ அல்லது அச்சுறுத்தல் நடவடிக்கைகளினாலோ தடுப்பது, பழிப்பது மறுப்பது;

5. வன்முறைச் செயல்களின் மூலம் செய்யக்கூடாத காரியத்தைச் செய்யும்படி பிறரைக் கட்டாயப்படுத்துவது;

ஆகிய குற்றங்களை ஐந்து அல்லது அதற்கு மேற்பட்டவர்கள் ஒன்று சேர்ந்து செயல்படுத்தும் போது அந்தக் கூட்டத்தைச் சட்ட விரோதமான கூட்டம் என்று குறிப்பிடுகிறோம்.

பிரிவு – 142

சட்ட விரோதமான கூட்டத்தில் உறுப்பினராதல்
Being member of Unlawful Assembly

சட்ட விரோதமாகக் கூடிய கூட்டம் என்று அறிந்து பின்னரும் அந்தக் கூட்டத்தை விட்டு விலகிச் செல்லாமல் அந்த கூட்டத்தில் சேர்ந்திருக்கும் ஒவ்வொருவரும் சட்ட விரோதமான கூட்டத்தைச் சேர்ந்தவராகவே கருதப்படுவார்கள்.

பிரிவு – 143

சட்ட விரோதமான கூட்டத்தில் சேர்ந்திருப்பதற்கான தண்டனை
Punishment

அத்தகைய சட்ட விரோதமான கூட்டத்தில் இருப்பவர்களுக்கு ஆறு மாதங்களுக்கு மேற்படாத சிறைக்காவலுடன் கூடிய அபராதம் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 144

சட்ட விரோதமான கூட்டத்தில் பயங்கரமான ஆயுதத்துடன் இருப்பதற்கான தண்டனை
Joining Unlawful Assembly armed with Deadly Weapon

சட்ட விரோதமான கூட்டத்தில் பயங்கரமான ஆயுதங்கள் அல்லது மரணத்தை விளைவிக்கத்தக்க ஆயுதங்களுடன் செல்வோருக்கு இரண்டு ஆண்டுகள்வரை சிறைக்காவல் அல்லது அபராதம் அல்லது சிறைக்காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 145

கலைந்து செல்லும்படி உத்தரவிட்டும் சட்ட விரோதமான கூட்டத்தில் இருப்பதற்கான தண்டனை
Joining or continuing unlawful assembly knowing it has been commanded to Disperse

சட்ட விரோதமாகக் கூடியுள்ள கூட்டத்தைக் கலைந்து செல்லுமாறு போலீசார் உத்தரவிடலாம். அந்த உத்தரவுக்குப் பிறகும் கலையாமல் இருக்கும் சட்டவிரோதமான கூட்டத்தைச் சேர்ந்தவருக்கு இரண்டு ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது சிறைக்காவலுடன் கூடிய அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 146

கலகம்
Rioting

சட்ட விரோதமான கூட்டம் தனது பொதுவான நோக்கத்தை நிறைவேற்றுவதற்கு வன்முறைச் செயல்களில் ஈடுபடும்பொழுது அந்தக் கூட்டம் கலகம் செய்ததாகக் கொள்ளப்படும்.

பிரிவு — 147

கலகம் செய்ததற்கான தண்டனை
Punishment for rioting

கலகம் செய்யும் சட்ட விரோதமான கூட்டத்தைச் சேர்ந்தவர்களுக்கு இரண்டு ஆண்டுகளுக்கு உட்பட்ட சிறைக்காவல் அல்லது அபராதம் அல்லது சிறைக்காவலுடன் கூடிய அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 148

பயங்கர ஆயுதங்களுடன் கலகம் செய்ததற்கான தண்டனை
Rioting armed with Deadly Weapon

கலகம் செய்யும் சட்டவிரோதமான கூட்டத்தில் பயங்கரமான ஆயுதம் அல்லது மரணத்தை உண்டாக்கக்கூடிய ஆயுதத்தை வைத்திருந்தால் மூன்று ஆண்டுகள் வரை சிறைவாசம் அல்லது அபராதம் அல்லது சிறைக்காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 149

சட்ட விரோதமான கும்பலில் உள்ள ஒவ்வொருவருக்கும் தண்டனை
Every member of Unlawful Assembly guilty of offence committed in prosecution of common object

சட்டவிரோதமான கூட்டத்தைச் சேர்ந்த நபர்களில் யார் எந்தக் குற்றத்தைப் புரிந்தாலும் அப்பொழுது அந்தச் சட்டவிரோதமான கூட்டத்தில் இருந்த ஒவ்வொருவருக்கும் அந்தக் குற்றத்தில் நேரடிப் பங்கு உண்டு. அவர்கள் அதற்கேற்ற தண்டனையைப் பெறவேண்டும்.

பிரிவு — 152

கலக கூட்டத்தை அடக்க முற்படும்போது பொது ஊழியரை தாக்குவது அல்லது தடுப்பதற்கான தண்டனை

Assaulting or Obstructing Public Servant when suppressing riot, etc.

ஒரு கலகத்தை அடக்க முற்படும் அரசாங்க அதிகாரியை எதிர்ப்போர், தடுப்போர், எதிர்த்து வன்செயல்புரிவோர் ஆகியோருக்கு மூன்று ஆண்டுகளுக்கு மேற்படாத சிறைக்காவல் அல்லது அபராதம் அல்லது சிறைக்காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 153

கலகம் செய்வதற்கு தூண்டிவிடுவதற்கான தண்டனை, கலகம் நடந்தாலும்,

நடக்கா விட்டாலும்

Wantonly giving Provocation, with intent to cause Riot, if Rioting be Committed, if Not -committed

கலகம் செய்வதற்குத் தூண்டி விட்டு அதனால் கலகம் ஏற்பட்டால் அந்தக் கலகத்தைத் தூண்டியவருக்கு ஓர் ஆண்டுக்கு மேற்படாத சிறைவாசம் அல்லது அபராதம் அல்லது சிறைவாசம் அபராதமும் தண்டனையாக விதிக்கப்படும்.

தூண்டுதலின் விளைவாகக் கலகம் ஏற்படாவிட்டாலும் கலகத்தை தூண்டியவருக்கு ஆறு மாதங்கள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது சிறைக் காவலுடன் கூடிய அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு 153 - A

சாதி, மத, இன மொழி, சமயம் சம்பந்தமாக விரோத உணர்ச்சிகளை தூண்டிவிடுதல் Promoting enmity between Different Groups on grounds of Religion Race, place of birth Residence, Language, etc., and doing acts Prejudicial to maintenance of Harmony

1. (a) பேச்சாலோ, எழுத்தாலோ அல்லது சைகையாலோ மத, இன, மொழி சாதி, சமய சம்பந்தமான விரோத உணர்ச்சிகளை தூண்டிவிட முயற்சி செய்வது குற்றமாகும்..

(b) அத்தகைய விரோத உணர்ச்சிகளால் பொது அமைதிக்கு பங்கம் ஏற்படுத்துவதும் குற்றமாகும்.

(c) குற்றம் என்று கருதக்கூடிய வன்முறை அல்லது வன்செயலை பயன்படுத்தும் கருத்துடன் அல்லது பயன்படுத்த பயிற்சி அளிக்கும் கருத்துடன் அல்லது சாதி, சமூகம், இனம், மதம், மொழி அல்லது வட்டாரக் குழு எதற்கும் விரோதமான வன்முறை அல்லது வன்செயலை பயன்படுத்தக்கூடிய பயிற்சி இயக்கம் உடற்பயிற்சி அல்லது அத்தகைய நடவடிக்கைகளில் பங்கு பெறுவோர் அநேகமாக பயன்படுத்த பயிற்சி அளிக்கக்கூடிய நடவடிக்கையாக அவை இருக்கின்றன என்று அறிந்தும் அவற்றில் பங்குபெறுவதும் பயிற்சி வேலையில் ஈடுபடுவதும் குற்றமாகும்.

அத்தகைய ஜாதி, சமூகம், இனம், மதம், மொழி அல்லது வட்டார குழுவினருக்கு அச்சத்தை அல்லது பீதியை அல்லது பாதுகாப்பு இல்லை என்ற உணர்வை அத்தகைய நடவடிக்கைகள் எந்த காரணம் கொண்டு உண்டாகின்றன. அல்லது உண்டாக்கக் கூடும் என்று அறிந்தும் அதில் பங்கு பெறுவோர் குற்றம் புரிந்தவர் ஆவார். இந்த குற்றத்திற்கு தண்டனையாக 3 ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் சிறைக்காவலுடன் கூடிய அபராதங்கள் விதிக்கப்படும்.

2. மேலே விவரிக்கப்பட்டுள்ள குற்றத்தின் வழிபாடு நடைபெறும் இடத்தில் செய்வது குற்றம், மத வழிபாட்டுக்கு ஆன மக்கள் கூடியிருக்கும் அரங்கிலும் அந்த குற்றத்தினை புரிய கொடுத்தது. அப்படி புரிந்தால் அதற்காக ஐந்து ஆண்டுகள் வரை சிறைக் காவலும் அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு - 153 - B

பேச்சு, எழுத்து அல்லது சைகையால் தேசிய ஒருமைப்பாட்டிற்கு குந்தகம் விளைவித்தல்

Imputations, assertions prejudicial to National Integration

1. பேச்சு, எழுத்து அல்லது சைகையால் அல்லது காணத்தகும் பொருட்களின் மூலம் அல்லது வேறு எந்த விதத்திலாவது.

- a) ஒரு சமய, இன, மொழி அல்லது சாதி சமூகம் ஆகியவற்றில் உறுப்பினராக இருக்கின்ற காரணம் காட்டி எவரேனும், சட்டரீதியாக நிறுவப்பட்டுள்ள இந்திய அரசிடம் உண்மையான நம்பிக்கையோடும் விசுவாசத்தோடும் இருக்க முடியாது அல்லது இந்திய அரசாட்சியில் உரிமையையும் சுதந்திரத்தையும் முழுமையாக நிலை நிறுத்தமுடியாது என்கிற வகையில் குற்றச்சாட்டைச் செய்தாலும் சுமத்தினாலும்.
- b) சமய, இன, மொழி அல்லது பிராந்தியக்குழு, சாரி சமூகம் அல்லது பிரிவு எதனிலேனும் உறுப்பினராக இருக்கின்ற காரணம் காட்டி எவருக்கேனும் இந்தியாவின் குடிமக்கள் என்ற முறையில் அவர்களுக்குள்ள உரிமைகள் மறுக்கப்பட வேண்டும், பறிக்கப்பட வேண்டும் என்று உரைக்கின்ற அல்லது ஆலோசனை சொல்கின்ற பிரச்சாரம் செய்கின்ற அல்லது வெளியிடுகின்ற அல்லது
- c) ஒரு சமய, இன, மொழி, பிராந்தியக் குழு அல்லது சாதி, சமூகம் எதனிலேனும் உறுப்பினராக இருக்கின்றனர் என்று காரணம் காட்டி எந்த ஓர் உறுப்பினருக்குரிய கடப்பாடு பற்றி உரைத்தல், ஆலோசனை, கோரிக்கை அல்லது வேண்டுகோள் எதையேனும் வெளியிடுதல் ஆகியவற்றால் அந்த வகுப்பினருக்கும், மற்றவர்களுக்கும் இடையே ஒற்றுமையின்மை, பகை உணர்ச்சி அல்லது குரோதம் அல்லது வெறுப்பை உண்டாக்கும் விதத்தில் அத்தகைய ஆலோசனை, அறிவிப்பு, கோரிக்கை, வேண்டுகோள் ஆகியவற்றைச் செய்கின்ற அல்லது வெளியிடுகின்ற ;

ஒவ்வொருவருக்கும் மூன்று ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

2. வழிபாட்டிடம் அல்லது சமய வழிபாடு அல்லது சமயச் சடங்குகள் ஆகியவற்றில் ஈடுபட்டிருக்கும் ஒரு கூட்டத்தில் (1) வது உட்பிரிவில் கூறப்பட்டுள்ள குற்றச் செயலைப் புரிவோருக்கு ஐந்து ஆண்டுகள் வரை சிறைக்காவல் தண்டனை விதிக்கப்படும். அத்துடன் அபராதமும் விதிக்கப்படலாம்.

பிரிவு -154

கலகம் நடந்த இடத்தின் சொந்தக்காரர் அல்லது

குடியிருப்பவருக்கு தண்டனை

Owner or Occupier of land on which an Unlawful Assembly is Held

யாரும் தம்முடைய இடத்தில் சட்ட விரோதமான கூட்டத்தை அனுமதிக்கக் கூடாது கலகம் நடைபெறுவதையும் அனுமதிக்கக் கூடாது.

ஒருவருடைய நிலத்தில் அத்தகைய சட்ட விரோதமான கூட்டம் அல்லது கலகம் நடைபெற்றால் அதனைப் பற்றி உடனே அருகிலுள்ள காவல் நிலையத்திற்கு அறிவிக்க வேண்டும்.

அப்படி அவர் அறிவிக்காமல் இருப்பது குற்றம். அத்தகைய கூட்டத்தை அல்லது கலகத்தை அனுமதித்தாலும் குற்றம், அந்தக் குற்றத்திற்குத் தண்டனையாக அவருக்கும் ஆயிரம் ரூபாய்க்கு மேற்படாமல் அபராதம் விதிக்கப்படும்.

இந்த குற்றத்தை நிலச் சொந்தக்காரர் நேரடியாகப் புரியாவிட்டாலும் அவருடைய ஆள் அல்லது பிரதிநிதி அல்லது மேலாளர் செய்தாலும் அபராதம் விதிக்கப்படும்.

அந்த குற்றம் நடைபெறாமல் தடுப்பதற்குத் தேவையான நடவடிக்கைகளை அவர் உடனே எடுக்க வேண்டும். அப்படி நடவடிக்கை எடுக்காமல் இருப்பதும் குற்றமாகும்.

பிரிவு – 155

ஒரு இடத்தின் சொந்தக்காரருக்கு ஆதரவாக கலகம் நடத்துவதற்கான தண்டனை

Liability of person for whose Benefit Riot is Committed

சட்ட விரோதமான ஒரு கூட்டம் கலகம் செய்கின்றது. கலகம் நடைபெறும் இடத்தின் சொந்தக்காரருக்கு ஆதரவாக அந்த கலகம் நடைபெற்றாலும், அல்லது நிலச்சொந்தக்காரரின் உரிமைக்காகக் கலகம் நடைபெற்றாலும், அல்லது நிலச் சொந்தக்காரருக்குச் சாதகமாகக் கலகம் நடைபெற்றாலும் அல்லது கலகத்தின் மூலம் அவருக்கு ஏதாவது நன்மை அல்லது இலாபம் ஏற்படுவதாக இருந்தாலும், அந்த நிலத்தின் சொந்தக்காரர் அதனைத் தடுப்பதற்கு அல்லது அடக்குவதற்கு உடனே நடவடிக்கை எடுக்க வேண்டும். அப்படி அந்த நிலத் (இடம்)-தின் சொந்தக்காரர் அல்லது அவருடைய பிரதிநிதி அல்லது மேலாளர் அந்தச் சட்டவிரோதமான கூட்டத்தை அடக்குவதற்கு நடவடிக்கை எடுக்கவில்லையென்றால் அவருக்கு அபராதம் விதிக்கப்படும்.

பிரிவு – 156

கலகம் நடந்த இடத்தின் சொந்தக்காரருக்கு ஆதரவாக இருந்த agent அல்லது அந்த இடத்தின் வசிப்பவருக்கான தண்டனை

Liability of agent of Owner or Occupier for whose benefit riot is committed

ஒரு நிலத்தின் சொந்தக்காரர் அல்லது அந்த நிலத்தை வைத்திருப்பவரின் நலம் கருதிக் கலகம் நடைபெற்றால், அவருடைய பிரதிநிதி அல்லது, மேலாளர் கலகம் நடைபெறவிருக்கிறது என்று தெரிந்த பின்னும் அதனை அடக்குவதற்கு நடவடிக்கை எடுக்கவில்லையென்றால் அந்த பிரதிநிதி அல்லது மேலாளரும் குற்றம் புரிந்தவர் ஆவார். அதற்காக அவருக்கும் அபராதம் விதிக்கப்படும்.

பொது அமைதியையும், ஒழுங்கையும் கருதி யாரும் எத்தகைய சட்டவிரோதக் கூட்டத்தையும் எந்த இடத்திலும் அனுமதிக்கக் கூடாது. அத்தகைய கூட்டத்தால் எத்தகைய பலனையும் அடைய முயற்சி செய்யக் கூடாது என்பதே இந்த பிரிவுகளின் நோக்கமாகும்.

பிரிவு – 157

சட்டவிரோதமான கூட்டத்திற்கு என்று அமர்த்தப்பட்டு புகலிடம் கொடுப்பதற்கான தண்டனை

Harbouring persons hired for an Unlawful Assembly

சட்ட விரோதமான ஒரு கூட்டத்துக்குப்புகலிடம் கொடுப்பது குற்றமாகும். ஆகவே சட்ட விரோதமான கூட்டத்தைச் சேர்ந்தவர்களை அல்லது சட்டவிரோதமான கூட்டத்திற்கு என்று அமர்த்தப்பட்டவர்களை அல்லது சட்டவிரோதமான கூட்டத்திற்கென்று கூலிக்கு அழைக்கப்படுகின்றவர்களை அவர்கள் மேலே கூறியபடி சட்ட விரோதமான கூட்டத்தினர் என்று அறிந்த பின்னும் அவர்களை வரவேற்பதும், தம்முடைய இடத்தில் அவர்கள் ஒன்று சேர்வதற்கு அனுமதிப்பதும்,

அவர்களுக்குப் புகலிடம் தருவதும் குற்றமாகும். இந்தக் குற்றத்துக்கு ஆறு மாதங்கள் வரையில் சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 158

சட்ட விரோதமான அல்லது கலகக் கூட்டத்திற்கு என்று அமர்த்தப் பட்டவருக்கான தண்டனை

Being hired to take part in an Unlawful Assembly or Riot or to Goarmed

இந்தச் சட்டத்தின் 141-வது பிரிவில் குறிப்பிடப்பட்டுள்ள செயல்களில் ஒன்றைப் புரிவதற்காக அல்லது துணை புரிவதற்காக யாராவது அமர்த்தப்பட்டாலும், கூலிக்கு அமர்த்தப்பட்டாலும் அல்லது அமர்த்துவதற்கு முயற்சி நடைபெற்றாலும் குற்றமாகும். இந்த குற்றத்துக்கு ஆறு மாதங்கள் வரை சிறைக்காவல் விதிக்கலாம் அல்லது, அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

அப்படி அமர்த்தப்பட்ட நபர் மரணத்தை உண்டாக்கக் கூடிய ஆயுதம் அல்லது அபாயகரமான ஆயுதம் தாங்கி அந்தக் கூட்டத்தில் செல்ல முன்வந்தால் அந்த நபருக்கு இரண்டு ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 159

அமைதிக்கு பங்கம் விளைவித்தல்

Affray

பொது அமைதிக்கு பங்கம் ஏற்படுத்தும் வகையில் இரண்டு அல்லது அதற்கு மேற்பட்டவர்கள் பொது இடத்தில் சண்டை பிடிப்பதும் வசை பாடுவதும் குற்றமாகும்.

பிரிவு – 160

பங்கம் விளைவித்ததற்கான தண்டனை

Punishment for Committing Affray

மேலே குறிப்பிட்டுள்ள குற்றத்தை யார் புரிந்தாலும் அந்த நபருக்கு ஒரு மாத காலத்திற்கு உட்பட்ட சிறைக்காவல் அல்லது 100 ரூபாய்க்கு மேற்படாத அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

அத்தியாயம் - 9

(CHAPTER - 9)

பொது ஊழியர்கள் சம்பந்தப்பட்ட குற்றங்கள்

Offences by or Relating to Public Servants

பொதுஊழியர் என்று இந்த அத்தியாயத்தில் அரசாங்க ஊழியர்களை குறிப்பிட்டுள்ளனர். எனவே கீழ்வரும் பிரிவுகளில் வரும் இந்த பொது ஊழியர் அல்லது அரசு ஊழியர் என்ற சொல் அரசாங்க பணியில் உள்ளவர்களைக் குறிக்கும்.

பிரிவு - 161

**பொதுஊழியர்கள் ஒரு கடமையை நிறைவேற்ற
ஊதியத்தைத் தவிர கையூட்டுப் பெறுதல்**

**Public servant taking gratification other than Legal Remuneration
in respect of an Official Act**

பொதுஊழியருக்கு அரசு ஊதியம் கொடுக்கின்றது. ஒரு கடமையை ஆற்றுவதற்காக அல்லது சலுகையை காட்டுவதற்காக அல்லது உதவி செய்வதற்காக அல்லது உபத்திரவம் தருவதற்காக அவர்கள் பிறரிடமிருந்து எத்தகைய ஊதியமும் அல்லது இலாபமும் லஞ்சமாக பெறக் கூடாது. அப்படி பெறுவது குற்றமாகும்.

பொதுஊழியர் என்ற சொல் மத்திய அரசில் பணிபுரிவோர், மாநில அரசில் பணிபுரிவோர், உள்ளாட்சித் துறையில் அல்லது அரசாங்க நிறுவனங்களில் பணி புரிவோர் ஆகிய அனைவரையும் குறிக்கும் (21 IPC பிரிவை பார்க்கவும்). பொது ஊழியராக பணிபுரியும் நிலையை எதிர்நோக்கி உள்ளவர்கள் மேலே குறிப்பிட்டபடி ஊதியம் பெறுவதும் குற்றமாகும். இந்த குற்றத்திற்கு மூன்று ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

Explanation:

பொதுஊழியராக பணிபுரியும் நிலையினை எதிர்நோக்கி உள்ளவர் என்று இங்கே குறிப்பிடப்படுவது வேலைக்கு செல்லும் வாய்ப்பினை உறுதியாக எதிர்நோக்கி உள்ளவர்களை மட்டும் குறிக்கும். அப்படி இல்லாமல் தான் ஒரு பொது ஊழியர் ஆகும் வாய்ப்பு இருக்கிறது என்று கூறி பிறரை ஏமாற்றி இத்தகைய ஊதியத்தை பெறுவோரை மோசடி செய்த குற்றத்திற்காக தான் தண்டிக்க முடியும். இந்த பிரிவு இவர்களுக்கம் பொருந்தாது. ‘ஊதியம்’ என்ற சொல் பண ஊதியத்தை மட்டுமல்லாமல் பண மதிப்புள்ள பண்டங்களையும் குறிக்கும். சட்டபூர்வமாக வாங்கும் சம்பளத்தையும் அரசாங்கத்திடமிருந்து ஒரு பொது ஊழியர் சட்டபூர்வமாக பெற தகுந்த எல்லா வகையான வரவுகளும் அடங்கும்.

ஒரு காரியத்தை செய்வதற்கும் செய்யாமல் இருப்பதற்கும் பெறுகின்ற லாபத்தையும் இந்த பிரிவு உள்ளடக்கும்.

பிரிவு - 165

**விலை உயர்ந்த பொருட்களை பொதுஊழியர்கள் ஒரு கடமையை நிறைவேற்றியதற்காக
கையூட்டாகப் பெறுதல்**

**Public Servant Obtaining valuable things, without consideration from person
concerned in proceeding or business transacted by such Public Servant**

ஒரு பொதுஊழியர் மூலம் ஒருவருக்கு ஒரு காரியம் நடைபெற இருக்கிறது. இதனை அந்த பொது ஊழியர் அறிவார். இந்த நிலையில் அவர் அந்த நபரிடம் இருந்து விலை கொடுக்காமல் ஒரு விலை மதிப்புள்ள பொருளை பெறுவது குற்றமாகும். அந்த பண்டத்திற்கு உரிய விலையைவிட மிகவும் குறைந்த விலைக்கு அந்த பண்டத்தை பெறுவதும் குற்றம். அவர் அந்தப் பொருளை தனக்காக பெறுவதும் அல்லது தனக்கு வேண்டிய வேறு ஒருவருக்காக பெறுவதும் குற்றமாகும். தன்னுடைய மேலதிகாரியின் மூலம் ஒரு காரியம் அந்த நபருக்கு ஆகவேண்டிய நிலையில் அப்படிபெறுவது குற்றமாகும். மேற்கூறியவாறு அந்தபொருளை சம்பந்தப்பட்ட நபரிடம் இருந்து பெறாமல். அந்த நபருக்கு வேண்டியவர் அல்லது சொந்தகாரரிடம் இருந்து அப்படிப் பெறுவதும் குற்றமாகும். இந்த குற்றத்திற்கு

மூன்று ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

உதாரணம் :

தாஸ் என்பவர் ஒரு நீதிபதி. அவருடைய நீதிமன்றத்தின் ராமன் என்பனுடைய வழக்கு நடைபெற்று வருகிறது. அங்கே அரசாங்க கடன் பத்திரம் அதிக விலைக்கு விற்கப்படுகின்றன. தாஸ் என்ற நீதிபதி இந்த பிரிவின் கீழ் குற்றவாளியாய் ஆகின்றார்.

பிரிவு – 165 – A

கையூட்டு பெறுவதற்கு குற்ற உடந்தையாக இருப்பதற்கான தண்டனை Punishment for abetment of offences defined in Section 161 or Section 165

161 அல்லது 165-ஆவது பிரிவுகளில் கூறப்பட்டுள்ள குற்றத்தை பிறர் புரிவதற்கு உடந்தையாக அல்லது தூண்டுதலாக யார் இருந்தாலும் அவர் குற்றம் புரிகின்றவராகிறார். உடந்தையாக இருந்ததன் விளைவாக அந்தக் குற்றம் நடைபெறாமல் இருந்தாலும் பாதகம் இல்லை. அப்போதும் உடந்தையாக இருந்தவரை குற்றவாளி என்று கருதி அவருக்கு மூன்று ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 170

பொது ஊழியராக நடித்தல் Personating a Public Servant

ஒருவருக்கு எத்தகைய அரசாங்க பொறுப்பும் இல்லாத போது, தான் ஒரு பொது ஊழியராக பணிபுரிவதாக நடிப்பதும் குற்றமாகும். அப்படி பொறுப்பில் இல்லாத போது பொறுப்பில் உள்ள ஒரு பொது ஊழியரைப் போல் ஆள் மாறாட்டம் செய்வதும் குற்றமாகும். இப்படி பொறுப்பில் இருப்பது போல நடித்து எத்தகைய காரியத்தை செய்தாலும் அல்லது செய்ய முயற்சித்தாலும் குற்றமாகும். இந்த குற்றத்திற்காக இரண்டு ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

பிரிவு – 171

பொது ஊழியருடைய சீருடை அல்லது அடையாள அட்டை ஆகியவற்றை பொது ஊழியர் அல்லாதவர் ஏமாற்றும் எண்ணத்துடன் அணிதல் Wearing garb or carrying token used by Public Servant with Fraudulent Intent

சில தரப்பட்ட பொது ஊழியர்கள் சீருடை அல்லது அடையாள சின்னங்கள் அணிய வேண்டும். ஆனால் அத்தகைய பொது ஊழியராக இல்லாதவர் யாரும் அந்த சீருடைகளை அணிவதும் அல்லது அடையாள சின்னங்களை வைத்திருப்பதும் குற்றமாகும். தான் பொது ஊழியர் என்று பிறரை நம்ப வைப்பதற்காக அத்தகைய சீருடைகளை அணிவதும் அடையாள சின்னங்களை வைத்திருப்பதும் குற்றமாகும். இந்த குற்றத்திற்காக மூன்று மாதங்கள் வரை சிறைக்காவல் அல்லது 200 ரூபாய் வரை அபராதம் அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

அத்தியாயம் - 10

(CHAPTER – 10)

பொது ஊழியர்களின் சட்டப்பூர்வமான ஆணையை மறுத்த குற்றங்கள்
Contempt of the Lawful Authority of Public Servants

பிரிவு – 182

ஒருவரை துன்பப்படுத்த வேண்டும் என்ற நோக்கத்தோடு ஒரு பொது ஊழியரிடம் பொய்யான தகவலை கொடுத்து செயல்பட செய்தல்

False information with intent to cause Public Servant to use his Lawful Power to the injury of another persons

ஒரு பொது ஊழியரிடம் நெஞ்சறிந்தே பொய்யை கூறுகிறோம். அதன் விளைவாக அந்த அதிகாரி தன்னுடைய கடமையை சரிவர செய்ய முடியாமல் தவறுதலாக நடக்க வேண்டி நேரிடும். தன்னுடைய அதிகாரத்தை பயன்படுத்தி பிறருக்கு தொல்லை தர நேரிடலாம். ஆகவே அத்தகைய பொய் தகவல் கொடுத்தவருக்கு ஆறு மாதங்கள் வரை சிறைக்காவல் அல்லது ஆயிரம் ரூபாய்க்கு உட்பட்ட அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 186

பொது ஊழியரை தம்முடைய செயலைச் செய்யவிடாமல் தடுத்தல்
Obstructing Public Servant in Discharge of Public Functions

ஒரு பொது ஊழியரை தன்னுடைய கடமையை செய்ய முடியாமல் தடுத்தால் மூன்று மாதங்களுக்கு மேற்படாத சிறைக்காவல் அல்லது 500 ரூபாய்க்கு உட்பட்ட அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும் (353, 332, 333 IPC).

அத்தியாயம் - 11
(CHAPTER – 11)

பொய்சாட்சியம் கூறுதல், பொது நீதிக்கு முரணான குற்றங்கள்
False Evidence and Offences Against Public Justice

பிரிவு – 201

குற்றவாளியை மறைக்க சாட்சியத்தை மறைத்தல் அல்லது பொய் தகவல் கொடுத்தல்
Causing disappearance of evidence of Offence or giving false Information to Screen Offender

ஒரு குற்றம் நடைபெற்றதை அறிகிறோம் அல்லது அதனைப்பற்றி அறியும் வாய்ப்பு நமக்கு இருக்கிறது. அந்த நிலையில் அந்தக் குற்றம் பற்றிய சாட்சியத்தை குற்றவாளியைக் காப்பாற்ற வேண்டும் என்ற நோக்கத்துடன் மறைப்பது குற்றமாகும். அந்த நோக்கத்துடன் நடைபெற்ற குற்றத்தை பற்றிய பொய்யான தகவலைத் தருவதும் தண்டனைக்கு உரிய குற்றமாகும்.

அப்படி மரண தண்டனை விதிக்கத்தக்க குற்றம் நடைபெற்றிருந்தால், அப்படிச் செய்தவருக்கு ஏழு ஆண்டுகள் வரை சிறைக்காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள் வரை சிறைக்காவல் விதிக்கத்தக்க குற்றம் நடைபெற்றிருந்தால், மூன்று ஆண்டுகள் வரை சிறைக் காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

பத்து ஆண்டுகளுக்கும் குறைவான தண்டனை பெறத்தக்க குற்றம் நடை பெற்றிருந்தால், அந்தக் குற்றத்திற்கு விதிக்கத்தக்க தண்டனையில் நான்கில் ஒரு பங்கைச் சிறைக்காவலாகவும் அல்லது அபராதமாகவும் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 211

துன்பம் கொடுக்க வேண்டும் என்ற நோக்கத்தோடு பொய்யான குற்றச்சாட்டை கொடுத்தல்

False Charge of Offence made with Intent to Injure

ஒருவருக்குத் துன்பம் உண்டாக்க வேண்டும் என்ற கருத்துடன் அவர் மீது குற்றம் சாட்டி நடவடிக்கை எடுப்பதும், பிறரைத் தூண்டி அப்படி நடவடிக்கை எடுக்கச் செய்வதும் குற்றமாகும்.

சட்ட பூர்வமாகவும் நியாய பூர்வமாகவும், எந்தவித ஆதாரமும் இல்லாமல் ஒருவர் மீது குற்றம் புரிந்ததாகப் பொய்யான குற்றச்சாட்டைத் தொடர்வதும் குற்றமாகும். இதற்கு இரண்டு ஆண்டுகள் வரை சிறைக் காவல் அல்லது அபராதம் அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

அப்படி சுமத்தப்பட்ட குற்றம் மரண தண்டனை, ஆயுள் தண்டனை அல்லது ஏழு ஆண்டுகளும் அதற்கு மேலும் சிறைக்காவலைத் தண்டனையாகப் பெறத்தக்க குற்றச்சாட்டாக இருப்பின், பொய்க் குற்றம் சாட்டியவருக்கு ஏழு ஆண்டுகள் வரை சிறைக்காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 221

பொதுஊழியர் வேண்டுமென்றே கைதுசெய்ய வேண்டியவரை கைதுசெய்யாமல் விடுதல்

Intentional Omission to Apprehend on the part of Public Servant bound to Apprehend

குற்றம் சாட்டப்பட்டவர்களை அல்லது சட்டப்படி குற்றம் சாட்டப்பட வேண்டியவர்களைச் சிறைப்பிடிப்பதற்கும், காவலில் வைப்பதற்கும், ஒரு பொது ஊழியருக்கு அதிகாரம் வழங்கப்பட்டுள்ளது. ஆனால் அந்த பொது ஊழியர் அந்தக் குற்றவாளிகளைக் கருத்துடன் சிறைப்பிடிக்காமல் விட்டு விடுவதும் தப்பி ஓடிவிடும்படி செய்வதும் அல்லது தப்பி ஓடுவதற்கு முயற்சி செய்யத் துணையாக இருப்பதும் குற்றமாகும்.

சம்பந்தப்பட்ட குற்றவாளி, மரண தண்டனை பெறக்கூடிய குற்றத்தைப் புரிந்திருந்தால் அந்த பொது ஊழியருக்கு ஏழு ஆண்டுகள் வரை சிறைக்காவல் தண்டனையாக விதிக்கப்படும். அத்துடன் அபராதமும் விதிக்கப்படலாம்.

அந்த குற்றவாளி ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள் வரை தண்டனை பெறக்கூடிய குற்றத்தைப் புரிந்திருந்தால் அந்தப் பொதுஊழியருக்கு அபராதத்துடன் அல்லது அபராதமின்றி மூன்று ஆண்டுகள் வரையில் சிறைக்காவல் தண்டனையாக விதிக்கப்படும்.

அந்த குற்றவாளி பத்து ஆண்டுகளுக்கும் குறைவான தண்டனை பெறத்தக்க குற்றத்தைப் புரிந்திருந்தால், அந்தப் பொதுஊழியருக்கு அபராதம் இல்லாமல் இரண்டு ஆண்டுகள் வரையில் சிறைக்காவல் தண்டனையாக விதிக்கப்படலாம்..

பிரிவு - 222

பொதுஊழியர் வேண்டுமென்றே தண்டனை விதிக்கப்பட்டவரை
கைது செய்யாது விடுதல்

Intentional Omission to Apprehend on the part of Public Servant bound to Apprehend Person Under Sentence or Lawfully Committed

ஒரு நீதிமன்றத்தின் உத்தரவுப்படி ஒரு நபருக்குத் தண்டனை விதிக்கப்பட்டிருக்கிறது அல்லது ஒரு நபர் மேல் விசாரணைக்கு அனுப்பப்பட்டிருக்கிறார். அத்தகைய நபரைச் சிறைப் பிடிப்பதற்கும் காவலில் வைப்பதற்கும் அதிகாரம் பெற்றுள்ள ஒரு பொது ஊழியர் கருத்துடன் அந்த நபரைச் சிறைப்பிடிக்காமல் இருக்கிறார். அல்லது காவலில் உள்ள அந்த நபரைத் தப்பி ஓடுவதற்கு அல்லது தப்பி ஓட முயற்சி செய்வதற்குத் துணையாக இருக்கிறார். அந்தப் பொது ஊழியர் தண்டனைக்குரிய குற்றவாளி ஆகிறார்.

சம்பந்தப்பட்ட நபர் மரண தண்டனைக்கு உரியவராக இருப்பின், அந்தப் பொது ஊழியருக்கு ஆயுள் தண்டனை அல்லது பதினான்கு ஆண்டுகள் வரை சிறைக்காவல் தண்டனையாக விதிக்கப்படும். அத்துடன் அபராதமும் விதிக்கப்படலாம்.

அந்த நபர் ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகளுக்கு மேற்பட்ட தண்டனைக்கு உரியவராக இருப்பின் அந்த பொது ஊழியருக்கு அபராதத்துடன் அல்லது அபராதம் இன்றி ஏழு ஆண்டுகள் வரையில் சிறைக்காவல் தண்டனையாக விதிக்கப்படும்.

அந்த நபர் பத்து ஆண்டுகளுக்கும் குறைவான தண்டனை பெறக்கூடியவராக இருந்தாலும், மேல் விசாரணைக்கு அனுப்பப்பட்டுள்ள நிலையில் காவலில் வைக்கப்பட்டிருந்தாலும், அந்தப் பொது ஊழியர் அபராதத்துடனும் அல்லது அபராதம் இல்லாமலும் மூன்று ஆண்டுகள் வரை சிறைக்காவலைத் தண்டனையாகப் பெறுவார்.

பிரிவு - 223

கவனக்குறைவின் காரணமாக பொதுஊழியர் குற்றம் சாட்டப்பட்டவர் அல்லது
தண்டனை பெற்றவரை காவலில் இருந்து தப்பி ஓடச்செய்தல்

Escape from Confinement or Custody Negligently suffered by Public Servant

குற்றம் சாட்டப்பட்டுள்ள அல்லது தண்டிக்கப்பட்டுள்ள அல்லது விசாரணைக் காலத்தில் காவலில் வைக்கப்பட்டுள்ள ஒரு நபரைக் காவலில் காக்கும் பொறுப்புள்ள ஒரு பொதுஊழியர் தம் அஜாக்கிரதையின் காரணமாக அந்தக் குற்றவாளி காவலிலிருந்து தப்பி ஓடிவிடும்படி விட்டு விட்டால் அந்தப் பொதுஊழியருக்கு இரண்டு ஆண்டுகள் வரை வெறுங்காவல் அல்லது அபராதம், அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

அத்தியாயம் - 12 (CHAPTER - 12)

அரசின் நாணயங்கள், ரூபாய் நோட்டுகள் முத்திரைக் காகிதங்கள் சம்பந்தப்பட்ட குற்றங்கள்

Offences Relating to Coin and Government Stamps

பிரிவு - 230

நாணயம் வரையரை

அரசாங்கம் அல்லது அரசாங்கத்தின் அதிகாரம் பெற்று முத்திரையிட்டு வழங்கப்பட்டு பணமாக பயன்படுத்தப்படும் உலோகம் நாணயம் என்று குறிப்பிடப்பட்டு இருக்கின்றது.

இந்திய நாணயம் Indian Coin

இந்திய நாணயம் என்பது இந்திய அரசாங்கத்தால் முத்திரையிடப்பட்டு பணமாக உபயோகப்படுத்துவதற்காக வழங்கப்படும் உலோகமாகும். அத்தகைய உலோகத்தை பணமாக உபயோகப்படுத்துவதை கைவிட்ட பிறகும் கூட இந்த அத்தியாயத்தின் படி அதனை இந்திய நாணயம் என்று குறிப்பிடப்படுகிறது.

1. பண்டமாற்று நாணயமாக வழங்கப்பட்ட சோழிகள் நாணயம் ஆகாது.
2. பணமாக உபயோகப்படுத்தப்பட்டாலும் அரசாங்க முத்திரை இடப்படாத பித்தளைக் கட்டிகளை நாணயமாகக் கொள்ள முடியாது.
3. விருதுச் சின்னங்களை (மெடல்கள்) நாணயமாக கொள்ள முடியாது, ஏனெனில், அவற்றைப் பணமாகப் பயன்படுத்துவதற்காக அளிப்பதில்லை.
4. (கிழக்கிந்திய) கம்பெனியின் ரூபாய் என்று குறிப்பிடப்படுவதும் இந்திய நாணயமாகும்.
5. முன்பு இந்திய அரசாங்கத்தின் அதிகாரத்தின் பேரில் பணமாக உபயோகப்படுத்தப்பட்டு வந்த பருக்காபாத் ரூபாய் இப்பொழுது புழக்கத்தில் இல்லை. இருப்பினும் அதையும் இந்திய நாணயம் என்றே கொள்ள வேண்டும்.

பிரிவு — 231

போலி நாணயத்தை உண்டாக்குதல் Counterfeiting Coins

போலிநாணயங்களை உருவாக்குவது குற்றம். அப்படி உருவாக்குவதற்கான வேலையின் எத்தகைய கட்டத்தையும், தெரிந்துசெய்வதும் குற்றம். இந்தக் குற்றம் புரிந்தவருக்கு ஏழு ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

விளக்கம்:

ஏமாற்றவேண்டும் என்ற கருத்துடன் அல்லது ஏமாற்றுவதற்கு பயன்படுத்த வேண்டும் என்று தெளிவுடன் ஓர் உண்மையான நாணயத்தைக்கூட வேறொரு (மதிப்புள்ள) நாணயத்தைப்போல் தோன்றும்படி செய்வது இந்தக் குற்றத்தைச்சாரும்.

பிரிவு — 232

இந்திய நாணயங்களை போலியாக செய்தல் Counterfeiting India Coin

போலி இந்திய நாணயங்களை உருவாக்குவதும் குற்றம். அப்படி உருவாக்குவதற்கான வேலையின் எந்தக் கட்டத்தில் ஈடுபட்டிருந்தாலும் அது குற்றமாகும். இந்தக் குற்றத்திற்கு ஆயுள் தண்டனை அல்லது 10 ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு - 233

போலி நாணயம் செய்வதற்கான கருவிகளை செய்தல் அல்லது
விற்பனை செய்தல்

Making or Selling Instrument for Counterfeiting Coin

போலி நாணயங்களை உருவாக்குவதற்கான இயந்திரங்கள், வார்ப்புகள் கருவிகள், அவற்றின் பாகங்கள் ஆகியவற்றைத் தயாரிப்பதும், பழுது பார்ப்பதும், விற்பது, வாங்குவது ஆகியவையும் குற்றமாகும். இந்த குற்றத்திற்கு மூன்று ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு - 234

போலி இந்திய நாணயங்களைச் செய்வதற்கான கருவிகளைச் செய்தல்
அல்லது விற்பனை செய்தல்

Making or Selling Instrument for Counterfeiting Indian Coin

போலியாக இந்திய நாணயங்களை உருவாக்குவதற்கான இயந்திரங்கள், வார்ப்புகள் கருவிகள் அவற்றின் பாகங்கள் ஆகியவற்றைத் தயாரிப்பது பழுதுபார்ப்பது, விற்பது, வாங்குவது ஆகியவையும் குற்றமாகும், இந்தக் குற்றத்திற்கு ஏழு ஆண்டுகள் வரை சிறைக்காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு - 235

போலியாக நாணயங்கள் அல்லது இந்திய நாணங்கள் தயாரிப்பதற்கான கருவிகள் அல்லது பொருட்கள் வைத்திருத்தல்

Possession of Instrument or Material for the purpose of using the same for Counterfeiting Coin

போலி நாணயங்களைத் தயாரிப்பதற்காக கருவிகளை அல்லது பொருட்களை வைத்திருந்தால் மூன்று ஆண்டுகள் வரை சிறைத் தண்டனையுடன் அபராதமும் விதிக்கப்படும். அத்தகைய பொருட்களின் மூலம் உருவாக்க கூடியது இந்திய நாணயத்தின் போலி என்றால் பத்து ஆண்டுகள் வரை சிறைக் காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

அத்தியாயம் - 14

(CHAPTER - 14)

பொதுசுகாதாரம், பாதுகாப்பு, வசதி, ஒழுக்கம், பண்புகள் ஆகியவற்றைப் பாதிக்கும்
குற்றங்கள்

Offences Affecting the Public Health, Safety, Convenience Decency and Morals

பிரிவு - 279

பொதுயிடத்தில் அஜாக்கிரதையாக வண்டியோட்டுதல் அல்லது சவாரி செய்தல்

Rash Driving or Riding on a Public Way

மனித உயிருக்கு ஆபத்து உண்டாக்கும் வகையில் அல்லது காயம் அல்லது தீங்கு ஏற்படும் விதத்தில், ஒரு வாகனத்தை அஜாக்கிரதையாக ஓட்டுவதும் சவாரி செய்வதும் குற்றமாகும். இந்தக் குற்றத்திற்கு ஆறு மாதங்கள் வரை சிறைக்காவல் அல்லது ஆயிரம் ரூபாய் வரை அபராதம் அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

பிரிவு - 293

ஆபாசமான பொருட்களை இளைஞர்களுக்கு விற்றல்

Sale, etc. of Obscene Objects to Young Persons

இதற்கு முன் சொல்லப்பட்ட பிரிவின்படி குற்றம் என்று கொள்ளத்தக்க ஆபாச பொருளை இருபது வயதுக்கு குறைந்தவர்களுக்கு விற்பதும், வாடகைக்கு கொடுப்பதும், வழங்குவதும், காட்டுவதும், அவர்கள் மத்தியில் பழங்கவிடுவதும் அல்லது அவர்களிடையே இத்தகைய செயல்களை புரிவதற்கு முயற்சி செய்வதும் குற்றமாகும். இந்த குற்றத்திற்கு ஆறு மாதங்கள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

ஆபாசமான புத்தகம், விளக்கம், படம், ஓவியம் பொருள் என்பனவற்றை குறிக்கும்.

மதசம்பந்தமான புத்தகம், வெளியீடு எழுத்து, படம், ஓவியம் ஆகியவற்றிற்கும் கோவிலில் அல்லது கோவில் ரதங்களில் பொறிக்கப்பட்டுள்ள செதுக்கப்பட்டுள்ள அல்லது உருவாக்கி உள்ளவற்றிற்கும் இதில் அடங்காது.

பிரிவு - 294

ஆபாசமான செயல் அல்லது பாடல்களைப் பாடுதல்

Obscene Acts and Songs

பிறருக்கு தொல்லை தரும் வகையில்:

பொது இடத்தில் எந்த ஆபாசச் செயலைப் புரிந்தாலும், அல்லது

ஆபாசமான ஒரு பாடலைப் பாடினாலும் வாசகத்தை உச்சரித்தாலும், சொன்னாலும்;

இந்த குற்றத்துக்கு மூன்றை மாதங்கள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

அத்தியாயம் - 16

(CHAPTER - 16)

மனிதஉடலுக்கும், உயிருக்கும் ஊறுசெய்யும் குற்றங்கள்

Offences Affecting Human Body

பிரிவு - 299

மரணம் விளைவிக்கும் குற்றம்

Culpable Homicide

மரணத்தை உண்டாக்க வேண்டும் என்ற கருத்துடன் ஒரு செயலைப் புரிதல் அல்லது மரணம் விளைவிக்கக் கூடிய உடல் காயத்தை உண்டு பண்ண வேண்டும் என்ற கருத்துடன் ஒரு காரியத்தைச் செய்தல் அல்லது தன்னுடைய செய்கையால் மரணம் சம்பவிக்கும் என்று தெரிந்தும் அந்த செயலை புரிதல் ஆகியவற்றால் மரணம் ஏற்பட்டால், அதனை மரணம் விளைவிக்கும் குற்றம் என்று கூறப்படுகிறது.

உதாரணம் :

1. மொய்தீன், ஒரு பள்ளத்தைக் குச்சிகளையும், சருகுகளையும் போட்டு மரணம் உண்டாக்க வேண்டும் என்ற கருத்துடன் மூடி மறைக்கிறான். தன்னுடைய செயலால் மரணம் உண்டாகும் என்பதை மனதார அவன் அறிந்தும் இந்த காரியத்தைப் புரிகின்றான். பள்ளம் இருக்கிறது என்பதை அறியாத கோவிந்தன் நடந்து வரும்போது அந்தப் பள்ளத்தில் விழுந்து மரணம் அடைகிறான். இந்த மரணத்துக்கு மொய்தீன் பொறுப்பேற்க வேண்டும். ஆகவே மரணம் விளைவிக்கும் குற்றத்தை மொய்தீன் புரிந்தவனாகிறான்.

2. ஒரு புதருக்குப் பின்னால் மூர்த்தி மறைந்திருக்கிறான் என்பது ராஜுவுக்குத் தெரியும். ஆனால் ராமனுக்கு அதைப்பற்றித் தெரியாது. மூர்த்திக்கு மரணத்தை விளைவிக்க வேண்டும் என்ற கருத்துடன் அல்லது இப்படிச் செய்தால் மூர்த்திக்கு மரணம் சம்பவிக்கும் என்று தெரிந்திருந்தும் ராஜு அந்தப் புதரை நோக்கிச் சுடும்படி ராமனைத் தூண்டுகிறான். ராமன் அப்படியே சுடுகிறான், குண்டு பட்டு மூர்த்தி மரணம் அடைகிறான். ராமன் குற்றமற்றவனாக இருக்கலாம். ஆனால் ராஜுவின் மீது மரணத்தை விளைவிக்கும் குற்றம் சாரும்.

விளக்கம்-1:

நோய்வாய்ப்பட்டு அல்லது இயலாமையால் அவதியுற்றுத் துன்பப்படுபவனுடைய உடலுக்குக் காயம் உண்டாக்குவதன் மூலம், அவனுடைய சாவைத் துரிதப்படுத்துகின்றனர். அந்த நிலையில் அந்த நபர் அவனுக்கு மரணத்தை உண்டாக்கியதாகவே கருதப்படுவார்.

விளக்கம் - 2:

உடல் காயத்தால் மரணம் உண்டாக்கினால் காயத்தை உண்டாக்கியவனே அந்த மரணத்தை விளைவித்ததாகக் கொள்ளப்படுவான். காயம்பட்டவுடன் மருத்துவ உதவியை நாடிச் சென்றிருந்தால் மரணம் விளைந்திருக்காது என்றாலும், மரணத்தின் பொறுப்பு அவனையே சாரும்.

விளக்கம் - 3:

தாயின் கர்ப்பத்தில் இருக்கும் சிசுவுக்கு மரணத்தை உண்டாக்குவது இந்தக் குற்றத்தில் வராது. ஆனால் குழந்தையின் உறுப்புகளில் ஏதாவது தாயின் கர்ப்பப்பைப்பைலிருந்து வெளியே வந்த பிறகு அத்தகைய மரணம் உண்டாக்கப்பட்டிருந்தால் அந்தச் செயல் குற்றமாகும். பிறந்த குழந்தை பிறப்பதற்கு முன்னே இறந்திருக்கலாம். அல்லது முழுமையாகப் பிறப்பதற்கேற்ப வாய்ப்பில்லாமல் இருக்கலாம். இருப்பினும் கர்ப்பப்பையை விட்டு நீங்கியவுடன் மரணத்தை உண்டாக்கும் செயல் என்று இடம் பெறக்கூடாது.

கொலைக் குற்றம் Murder

மரணத்தை விளைவிக்கும் குற்றத்துக்கும், கொலைக்குற்றத்துக்கும் உள்ள வேறுபாடுகளை இந்த பிரிவில் காண்போம்.

மரணத்தை விளைவிக்கும் குற்றத்தை எப்பொழுது கொலைக் குற்றமாக கொள்ளலாம், எப்பொழுது கொள்ளக் கூடாது என்பதற்கு கீழே சில விதிவிலக்குகள் தரப்பட்டுள்ளன. அந்த விதி விலக்குகளுக்கு உட்பட்டு மற்ற சமயங்களில் மரணத்தை விளைவிக்கும் குற்றத்தை கொலைக் குற்றமாக கொள்ள வேண்டும். அப்படி கொலைக்குற்றமாகவே கொள்ளத்தக்க நிலைகள் என்னவென்றால் .

1. மரணத்தை விளைவிக்க வேண்டும் என்ற கருத்துடன் ஒரு செயலை புரிந்து அதன் விளைவாக மரணம் ஏற்பட்டிருந்தால், அல்லது
2. உடலில் ஏற்படுத்தப்பட்ட காயத்தால் ஒருவர் மரணமடையலாம் காயத்தை உண்டாக்கியவருக்கு தான் ஏற்படுத்தும் காயத்தால் அந்த நபருக்கு மரணம் உண்டாகும் என்று தெரியும். தெரிந்தும் அந்த காயத்தை கருத்துடன் உண்டாக்குதல், அல்லது
3. ஒருவருடைய உடலை காயப்படுத்த வேண்டும் என்ற கருத்துடன் ஒரு காரியம் செய்யப்படுகிறது. அதனால் மரணம் விளைவிக்கின்றது அப்படி உண்டாக்க வேண்டும் என்று எண்ணிய காயம் இயற்கையின் சாதாரண போக்கில் மரணமடைய செய்வதற்கு போதுமானது என்று அறிந்திருத்தல், அல்லது
4. தான் செய்யும் காரியம் அபாயகரமானது அதனால் மரணம் சம்பவிக்கும் அல்லது பெரும்பாலும் மரணத்தை விளைவிக்க கூடிய உடல் காயம் ஏற்படும் என்று அறிந்திருந்தும் அத்தகைய காரியத்தைப் புரிதல் அத்துடன் அந்த காரியம் செய்வதற்கு எந்தவிதமான அவசியமும் இல்லாதிருத்தல்.

உதாரணம்:

- a) பழனி என்பவனைக் கொல்ல வேண்டும் என்ற கருத்துடன் ராமு துப்பாக்கியால் சுடுகிறான். பழனி மரணம் அடைகிறான். ராமு கொலைக்குற்றம் புரிந்தவனாகிறான்.
- b) சண்முகத்துக்கு நோய்வாய்ப்பட்டு உடல் பலவீனமாகவுள்ள நிலையில் பலமான அடி அவனைக் சாகடித்து விடும் என்று அறிந்துள்ள முருகேசன் அவனுக்கு உடம்பில் காயம் உண்டாக்கவேண்டும் என்ற கருத்துடன் ஓங்கியடிக்கிறான், அதன் விளைவாகச் சண்முகம் மரணம் அடைகிறான். உடல் நலமாக உள்ள மனிதனுக்கு அந்த அடி மரணத்தை உண்டாக்காது. இருப்பினும் முருகேசன் கொலைக் குற்றம் புரிந்தவனாகிறான். முருகேசனுக்குச் சண்முகத்தின் உடல் நிலையைப்பற்றி ஒன்றும் தெரியாத நிலையில் காயம் உண்டாக்கவேண்டும் என்ற கருத்துடன் அவன் சண்முகத்தை அடித்திருந்தால் அவன் மீது கொலைக் குற்றம் சாராது. ஏனெனில் அந்த அடி மரணத்தை உண்டாக்கக்கூடிய அடி அல்ல.
- c) முனியன் முத்துவைக் காயப்படுத்த வேண்டும் என்ற கருத்துடன் கத்தியால் வெட்டுகிறான் அல்லது தடியால் அடிக்கிறான், அவன் உண்டாக்க நினைத்த காயம் சாதாரணமாக யாருக்கும் மரணத்தை உண்டாக்கக் கூடியது. காயம்பட்ட முத்து மரணம் அடைகிறான். முனியன் முத்துவைக் கொல்ல வேண்டும் என்ற கருத்துடன் காரியம் செய்யவில்லை. இருப்பினும் முனியன்மீது கொலைக் குற்றம் சாரும.

- d) ராமசாமி ஒரு காரணமும் இல்லாமல் ஒரு கூட்டத்தை நோக்கிச் சுடுகிறான். அதனால் கூட்டத்திலிருந்தவன் மரணம் அடைகிறான். யாரையும் கொல்ல வேண்டும் என்ற முன்யோசனையுடன் ராமசாமி கூட்டத்தை நோக்கிச் சுடவில்லை இருப்பினும் ராமசாமி மீது கொலை குற்றம் சாரும்.

மரணம் விளைவிக்கும் குற்றம் எப்பொழுது கொலைக்குற்றம் ஆகாது When Culpable Homicide is Not Murder

விதிவிலக்கு: 1

திடீரென்று தூண்டப்பட்டுவிட்ட உணர்ச்சிகளை அடக்கமுடியாமல் நிதானத்தை இழந்துவிட்ட சூழ்நிலையில், தன்னைக் கோபப்படுத்தியவரைத் தாக்கி மரணம் அடைய செய்தாலும் அல்லது அந்தக் கோபத்தில் தவறுதலாக வேறொரு நபரின் மரணத்தை உண்டாக்கியிருந்தாலும் மரணத்தை விளைவிக்கும் குற்றம் கொலைக் குற்றம் ஆகாது.

மேலே கூறப்பட்ட விதிவிலக்கு இங்கே சொல்லப்பட்டுள்ள நிபந்தனைகளுக்கு உட்பட்டதாகும்.

1. அந்தக் கோப உணர்ச்சியை நாமே தேடிப் பெற்றதாக இருக்கக் கூடாது அதாவது நாம் வலிந்து ஒருவரைக் கொல்லவேண்டும் அல்லது தாக்கவேண்டும் என்று வம்புக்குப் போனதால் விளைந்த சண்டையில் கோபம் ஏற்பட்டு நிதானம் இழந்ததாக இருக்கக் கூடாது.
2. ஒரு பொது ஊழியர் சட்டப்படி தம் கடமையை ஆற்றும்பொழுது அத்தகைய உணர்ச்சி எழுவதற்கு இடம் இல்லை. சட்டப்படி ஒரு செயல் நடைபெறுவதைக் கண்டு பொங்கியெழ முடியாது.
3. ஒருவன் தன்னுடைய தற்காப்பு உரிமையைச் சட்டப்படி பயன்படுத்துவதால், தன்னுடைய உணர்ச்சிகள் கிளர்ந்து எழுந்தன என்ற வாதமும் ஒத்துக் கொள்ளப்படமாட்டாது.

விளக்கம்:

கொலைபுரியத்தூண்டும் அளவுக்கு, கோபம் ஏற்படக்கூடிய சூழ்நிலை உருவாக்கியிருந்ததா இல்லையா என்பதை, அந்தச் சூழ்நிலையை ஒட்டித் தான் முடிவு எடுக்க வேண்டும்.

உதாரணம்:

1. முருகனால் கோபம் ஊட்டப்பட்ட முனியன் அந்தக் கோபத்தை அடக்க முடியாததன் விளைவால் முருகனுடைய சூழ்ந்தையைக் கொன்று விடுகிறான். இங்கு முனியன் மீது கொலைக்குற்றம் சாரும். ஏனெனில் கோபத்தைத் தூண்டியவன் முருகனே அவனுடைய சூழ்ந்தை அல்ல, அத்துடன் முருகனுடைய சூழ்ந்தை, அந்தக் கோபத்தின் விளைவாகத் தவறுதலாகக் கொல்லப்பட்டுவிட்டது என்று சொல்ல முடியாது.

2. ஒரு நீதிபதியின் முன் கொண்டுவரப்பட்ட ஒருவரைப் பார்த்து அந்த நீதிபதி “உன்னுடைய பேச்சை என்னால் நம்பமுடியாது, நீ பொய்சாட்சி கூறுகின்றாய், சத்தியத்திற்கு முரணாகப் பேசுகின்றாய்” என்று கூறுகிறார். அதனால் ஆத்திரமடைந்த அந்த நபர் கோபத்தில் நீதிபதியைக் கொன்று விடுகிறான். அந்த நபர் கொலைக்குற்றம் புரிந்தவனாகிறான்.

விதிவிலக்கு - 2:

தன்னை அல்லது தன்னுடைய உடமையைக் காத்துக்கொள்ளும் பொருட்டுப் போராடும் நபர், சில சமயங்களில் சுட்ட வரம்பை மீறிச் செயல்பட நேரிடலாம். அப்போது தன்னைத் தாக்குவோரைக் கொல்ல வேண்டும் என்ற கருத்தும் முன்யோசனையும் இன்றி பிறரை கொல்ல நேரிடலாம். அதனால் ஏற்பட்ட மரணத்திற்காக அந்த நபருக்கு மரணம் விளைவிக்கும் குற்றம்தான் சாரும், கொலைக்குற்றம் சாராது.

உதாரணம் :

ஒருவரை சாட்டையால் அடித்து துன்புறுத்துகின்றனர். சாட்டை அடியால் கொடுங்காயம் ஏற்படுத்த முடியவில்லை. இருப்பினும் அடிப்பட்டவர், தம்மைத் தற்காத்துக் கொள்வதற்காகக் கைத்துப்பாக்கியால் சுடுகின்றார். அடித்தவர் மரணம் அடைகின்றார். சாட்டையடிக்குப் பிரதியாகத் துப்பாக்கியால் சுடுவது வரம்பு மீறிய செயலானாலும் சுட்டவர் அதைத் தவிர, தம்மைக் காப்பாற்றிக்கொள்ள வேறு வழியே இல்லை என்று எண்ணி அப்படி சுட்டுயிருக்கிறார். எனவே சுட்டவர் மீது கொலைக்குற்றம் சாராது. மரணத்தை விளைவிக்கும் குற்றம் மட்டும் தான் சாரும்.

விதிவிலக்கு - 3:

ஒரு பொதுஊழியர் அல்லது கடமையாற்றும், பொதுஊழியருக்கு உதவி செய்யும் ஒருவர் பொது நீதியை நிலை நாட்டும் வகையில் செயல்படும் போது, தமக்கு அளிக்கப்பட்டுள்ள அதிகார வரம்பினை மீறிச் செயல்பட்டு அதனால் மரணம் சம்பவித்தால், அது கொலைக்குற்றம் ஆகாது. ஏனெனில் பொது நீதியை நிலைநிறுத்த வேண்டும் என்ற நோக்கத்துடன் செயல்படுகிறாரேயன்றி யாரையாவது கொல்லவேண்டும் என்ற கெட்ட எண்ணம் அவருக்கு இல்லை. எனவே அவர் மீது மரணத்தை விளைவிக்கும் குற்றம்தான் சாரும்.

விதிவிலக்கு - 4 :

முன்கூட்டியே திட்டமிடப்படாமல் திடீரென்று ஏற்படும் ஒரு சண்டையில் உணர்ச்சிகள் கொந்தளிப்பதால் மரணம் ஏற்படுகின்றது. அந்த சண்டையில் எதிரியின் பலவீனத்தைச் சாதகமாகப் பயன்படுத்திக்கொண்டு அநியாயமாகப் போராடவில்லை. கொடூரமாகவோ அல்லது அசாதாரணமாகவோ யாரும் காரியம்செய்யவில்லை. இந்த நிலையில் ஏற்பட்ட மரணம் கொலையாகாது. மரணத்தை விளைவித்த குற்றம்தான் சாரும்.

விளக்கம் :

சண்டையை யார் தூண்டினார்கள் அல்லது யார் முதலில் வன்செயலுக்கு ஆயத்தமானார்கள் என்ற பிரச்சனை இங்கே முக்கியமல்ல.

விதிவிலக்கு - 5 :

பதினெட்டு வயதுக்கு மேற்பட்ட ஒருவர் தன்னிச்சையாக மரண அபாயத்தை வலிந்து ஏற்க முன்வந்தால் அல்லது மரணம் அடைந்தால் அதனை கொலைக்குற்றமாகக் கூற முடியாது. மரணம் விளைவித்த குற்றமாகத்தான் கொள்ளமுடியும்.

உதாரணம் :

தாஸ் என்பவரால் தூண்டப்பட்டு, குமார் என்ற பையன் தற்கொலை செய்து கொள்கிறான். குமாருக்கு பதினெட்டு வயது பூர்த்தியாகவில்லை. ஆகவே தன்னிச்சையாக ஒரு காரியத்தை அவனால் வலிந்து செய்யமுடியாது. எனவே தாஸ் மீது கொலைக்கு உடந்தையாக இருந்த குற்றம்சாரும்.

பிரிவு – 301

ஒருவரை கொலை செய்யவேண்டிய நோக்கத்தோடு செய்த செயலால் வேறு ஒருவருக்கு மரணம் விளைவித்தல்

Culpable Homicide by causing death of person other than person whose death was intended

ஒருவருக்கு மரணத்தை உண்டாக்க வேண்டும் என்ற கருத்துடன் அல்லது மரணம் உண்டாக்கும் என்று தெரிந்து ஒரு செயல் புரியப்படுகின்றது. அந்த செயலின் விளைவாக வேறு ஒருவருக்கு மரணம் சம்பவிக்கின்றது. ஆனால் காரியத்தை செய்தவருக்கு இரண்டாவதாக குறிப்பிட்டுள்ள நபரை கொலை செய்யவேண்டும் என்ற கருத்தோ அல்லது தன் செயலால் அவருக்கு மரணம் சம்பவிக்கும் என்ற தெளிவோ இல்லை. ஆகவே, அவர் மீது கொலைக்குற்றம் சாராது. எண்ணியதற்கு மாறாக வேறு ஒரு நபர் மரணம் அடைந்தால் யாரைக்குறித்து செயல்பட்டாரோ, அதற்காகவே மரணம் விளைவித்த குற்றம் அவரைச்சாரும்.

பிரிவு – 302

கொலைக்குற்றத்திற்கான தண்டனை
Punishment for Murder

கொலைக்குற்றம் புரிந்தவனுக்கு மரண தண்டனை அல்லது ஆயுள்தண்டனை விதிக்கப்படுவதுடன் அபராதமும் விதிக்கப்படும்.

பிரிவு – 303

ஆயுள்தண்டனை கைதி கொலைசெய்ததற்கான தண்டனை
Punishment for Murder by Life Convict

ஆயுள்தண்டனை பெற்றுச் சிறையில் இருக்கும் கைதி கொலைக்குற்றம் புரிந்தால் அவனுக்கு மரண தண்டனை விதிக்கப்படும்.

பிரிவு – 304

கொலைக் குற்றம் ஆகாத மரணம் விளைவித்த குற்றத்திற்கான தண்டனை
Punishment for Culpable Homicide Not Amounting to Murder

கொலைக் குற்றம் ஆகாத, மரணம் விளைவிக்கும் குற்றத்தைப் புரிந்தவனுக்கு, அவன் அந்த குற்றத்தை, மரணத்தை உண்டாக்க வேண்டும் என்ற கருத்துடன் அல்லது தன்னுடைய செயலால் மரணம் சம்பவிக்கும் என்ற தெளிவுடன் அந்தக் குற்றத்தைப் புரிந்திருந்தால், ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள் வரையில் சிறைக் காவலைத் தண்டனையாக விதிப்பதுடன் அபராதமும் விதிக்கப்படும்.

மரணம் உண்டாக்க வேண்டும் என்ற கருத்து இல்லாமல் அல்லது மரணத்தை விளைவிக்கத் தக்க உடல் காயத்தை ஏற்படுத்தவேண்டும் என்ற கருத்தின்றி அவன் செய்த காரியத்தால் மரணம் விளைந்திருந்தால், அவனுக்கு பத்து ஆண்டுகள் வரையில் சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

பிரிவு - 304 - A

அஜாக்கிரதையாக மரணம் விளைவித்தல்

Causing Death by Negligence

மரணத்தை விளைவிக்கும் குற்றத்தில் அடங்காத எந்தச்செயலையும் அசட்டு துணிச்சலாக அல்லது அஜாக்கிரதையாகச் செய்து அதனால் யாருக்காவது மரணம் ஏற்பட்டால், அந்த செயலைப்பிரிந்தவருக்கு இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு - 304 - B

DOWRY DEATH

ஒரு பெண்ணின் மரணம் தீக்காயங்களினால் அல்லது உடம்பில் ஏற்பட்ட காயங்களினால் ஏற்பட்டிருந்தால் கல்யாணமாகி ஏழு ஆண்டுகளுக்குள் அந்த சம்பவம் ஏற்பட்டிருந்தாலும், மேலும் அவள் மரணமடைவதற்கு சற்றுமுன் அவளுக்கு தன் கணவரால் அல்லது கணவரின் உறவினர்களால் கொடுமைப்படுத்தப்பட்டதாக தெரிந்தாலோ அல்லது வரதட்சணைகேட்டு தொந்தரவு நடந்ததாக தெரிந்தாலோ, அந்த மரணம் வரதட்சணை கொடுமை மரணம் என்று சொல்லப்படுவதுடன், அவள் கணவன் அல்லது கணவனின் உறவினர் அந்த மரணத்தை உண்டு பண்ணியதாக கருதப்படும்.

வரதட்சணை என்பது வரதட்சணை தடை சட்டம், 1961 பிரிவு - 2ல் கூறியுள்ளபடி வரதட்சணை கொடுமையில் மரணம் செய்தவர்களுக்கு 7 வருடத்திற்கு குறையாதது முதல், ஆயுள் தண்டனை வரை கொடுக்கப்படலாம்.

பிரிவு - 305

குழந்தைகள், புத்தி சுவாதீனம் இல்லாதவர்களை தற்கொலை செய்ய தூண்டுதல்

Abetment of Suicide of Child or Insane Person

பதினெட்டு வயதுக்குக் குறைந்தவர் அல்லது சித்த சுவாதீனம் இல்லாதவர் அல்லது புத்திக் கோளாறு உள்ள மயக்க நிலையில் இருப்பவர் அல்லது பிறவி முட்டாள் ; அல்லது குடிபோதையில் உள்ளவர் ஆகியவர்களில் யாராவது தற்கொலை செய்து கொள்வதற்கு ஒருவர் உடந்தையாக இருப்பது குற்றமாகும். இந்தக் குற்றத்துக்காக மரண தண்டனை அல்லது ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள் வரையில் சிறைக்காவல் தண்டனையாக விதிப்பதுடன் அபராதமும் விதிக்கப்படவேண்டும்.

பிரிவு - 306

தற்கொலைக்கு தூண்டுதல்

Abetment of Suicide

யாராவது தற்கொலை செய்து கொண்டால் அப்படித் தற்கொலை செய்து கொள்வதற்கு உடந்தையாக இருந்தவருக்கு, பத்து ஆண்டுகள் வரை சிறைக் காவலைத் தண்டனையாக விதிப்பதுடன் அபராதமும் விதிக்கப்பட வேண்டும்.

பிரிவு – 307

கொலை செய்ய முயற்சி செய்தல் Attempt to Murder

ஒருவருக்கு மரணத்தை உண்டாக்க வேண்டும் என்ற கருத்துடன் அல்லது தன் செயலால் அத்தகைய மரணம் சம்பவிக்கும் என்ற தெளிவுடன் செயல் செய்யப்பட்டால், அது செய்யப்படும் சூழ்நிலையை அனுசரித்துக் கொலைக் குற்றம் செய்வதற்கான முயற்சி என்று முடிவாக்கப்படுகிறது. இதற்கு காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும். அந்தக் குற்ற முயற்சியால் யாருக்காவது காயம் ஏற்பட்டால் குற்றவாளிக்கு ஆயுள்தண்டனை அல்லது இதற்குமுன் சொல்லப்பட்டதைப்போல சிறைக்காவல் தண்டனை விதிக்கப்படும்.

இந்த பிரிவின் கீழ் ஆயுள்தண்டனை விதிக்கப்பட்ட கைதிகள் காவலில் இருக்கும் பொழுது குற்றம் புரிந்து, அதனால் யாருக்காவது காயம் நேரிட்டால் அந்த கைதிக்கு மரண தண்டனை விதிக்கப்படும்.

உதாரணம் :

ஒரு குழந்தையைக் கொல்ல வேண்டும் என்ற கருத்துடன் அதனை யாருமில்லாத ஓர் இடத்தில் போட்டுவிடுகின்றனர். அதனால் அந்தக் குழந்தை மரணம் அடையாவிட்டாலும், குழந்தையை அங்கே போட்டவன், இந்தப் பிரிவின் கீழ் குற்றவாளியாகிறான்.

பிரிவு – 308

கொலையாகாத மரணம் விளைவிக்கும் குற்றத்தைச்செய்ய முயற்சித்தல் Attempt to Commit Culpable Homicide

ஒருவன் ஒருகுறிப்பிட்ட சூழ்நிலையில் ஒரு காரியத்தைப் புரிகிறான். ஒருவருக்கு மரணத்தை உண்டாக்கவேண்டும் என்ற கருத்துடன் அல்லது அத்தகைய மரணம் உண்டாகும் என்ற தெளிவுடன் அந்தக்காரியம் செய்யப்படுகின்றது. அந்தக் காரியத்தின் விளைவால் மரணம் சம்பவித்தால், குற்றம்புரிந்த நபருக்கு கொலைக்குற்றம் ஆகாத மரணத்தை விளைவிக்கும் குற்றம்சாரும் என்றால் மரணம் விளையாவிடினும், குற்றவாளிக்கு மரணத்தை விளைவிக்க முயற்சி செய்ததற்காக மூன்று ஆண்டுகள் வரையில் சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

அந்தக் காரியத்தின் விளைவாக யாருக்காவது காயம் ஏற்பட்டால், குற்றவாளிக்கு ஏழு ஆண்டுகள்வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

உதாரணம் :

ஒருவரை நோக்கி ஆத்திரத்தில் திடீரென்று கடுஞ்சினம் ஊட்டப்பட்ட நிலையில் மற்றொருவர் சுடுகிறார். அதனால் மரணம் நிகழ்ந்தால், சுட்டவர் மீது கொலைக்குற்றம் ஆகாத மரணம் விளைவிக்கும் குற்றம் சாட்டப்படும். ஆகவே, மரணம் நிகழாதபோது, சுட்டவர் மீது, மரணத்தை விளைவிக்க முயற்சிசெய்த குற்றம்சாரும்.

பிரிவு — 309

தற்கொலை செய்ய முயற்சித்தல்

Attempt to Commit Suicide

யாராவது தற்கொலை செய்துகொள்வதற்கு முயற்சி செய்து, அதற்கென ஏதாவது ஒரு செயலைப் புரிந்திருந்தால், அந்த குற்றத்திற்காக ஓர் ஆண்டுக்கு உட்பட்ட வெறுங்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 317

பன்னிரண்டு வயதிற்குட்பட்ட குழந்தையை அதன் பெற்றோர் அல்லது பாதுகாவலர் நிராதரவாக விட்டுவிடுதல்

Exposure and Abandonment of Child Under Twelve Years, by Parent or Person having Care of it

பன்னிரண்டு வயதுக்குக் குறைவான குழந்தையை அதனுடைய தந்தை அல்லது அதனை காக்கும் பொறுப்புவுடையவர் யாரேனும், அந்த குழந்தையை நிராதரவாக விட்டுவிட வேண்டும் என்ற கருத்துடன் ஏதாவது ஓர் இடத்தில் தனியே விட்டுவிடுவது குற்றமாகும். இந்த குற்றத்திற்கு 7 ஆண்டுகள் வரையில் சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 318

இறந்த குழந்தையின் சடலத்தை இரகசியமாக மறைத்தல்

Concealment of Birth by Secret Disposal of Dead Body

ஒரு குழந்தை பிறப்பதற்குமுன் அல்லது பிறக்கும்பொழுது அல்லது பிறந்தபின் மரணமடைத்திருக்கலாம். அந்தக் குழந்தையை இரகசியமாகப் புதைப்பதோ அல்லது வேறு எந்த வகையிலாவது அந்தகுழந்தையின் சடலத்தை மறைத்து விடுவதோ குற்றமாகும். ஏனெனில், குழந்தையின் பிறப்பை மறைக்கவேண்டும் அல்லது மறைக்க முயற்சிசெய்ய வேண்டும் என்ற கருத்துடன், இந்தச்செயல் புரியப்படுகின்றது. இந்தக் குற்றத்திற்கு இரண்டு ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 319

காயப்படுத்துதல் Hurt

ஒருவருடைய உடலுக்கு ஏதேனும் வலி, நோய் அல்லது குறைப்பாட்டினை உண்டாக்குவதைக் காயப்படுத்துதல் என்று கூறப்படும்.

பிரிவு — 320 கொடுங்காயம் Grievous Hurt

கொடுங்காயம் என்று கூறப்படுவது யாதெனில்,-

1. ஆண்மை இழக்கச்செய்தல் (ஆண் பீஜங்களை நசுக்கிச் செயல் இழக்கும்படி செய்தல்)
2. நிரந்தரமாக, ஏதாவது ஒரு கண் பார்வையை இழக்கும்படி செய்தல்
3. காதில் ஒன்று செவிடாகும்படி செய்தல்
4. உடல் உறுப்புகளில் ஒன்றை அல்லது இணைப்புகளில் ஒன்றைச் செயல்புரிய ஒட்டாமல் தடுத்தல்
5. உடல் உறுப்புகளில் ஏதேனும் ஒன்றினை அல்லது இணைப்புகளில் ஏதேனும் ஒன்றினை நிரந்தரமாகச் செயல் இழக்கும்படி செய்தல்
6. தலையை அல்லது முகத்தை நிரந்தரமாக உருக்குலைத்தல்
7. எலும்பு முறிவு அல்லது பல்லை உடைத்தல்
8. உயிருக்கு ஆபத்தை உண்டாக்கக் கூடிய காயம் அல்லது காயம்பட்டவருக்கு இருபது நாட்களுக்குக் கொடுந்துன்பம் தரக்கூடிய காயம் அல்லது இருபது நாட்களுக்கு வழக்கமாகச் செய்யக்கூடிய வேலைகளைச் செய்யாமல் தடுக்கக்கூடிய காயம் ஆகியவையாகும்.

பிரிவு — 321 வேண்டுமென்றே காயப்படுத்துதல் Voluntarily Causing Hurt

ஒருவருக்கு காயம் உண்டாக்க வேண்டும் என்ற கருத்துடன் அல்லது செயலால் அத்தகைய யாருக்காவது காயம் ஏற்பட்டால், அதனைத் தன்னிச்சையாகக் காயப்படுத்துதல் என்று கூறப்படும்.

பிரிவு — 322 வேண்டுமென்றே கொடுங்காயப்படுத்துதல் Voluntarily Causing Grievous Hurt

கொடுங்காயப்படுத்த வேண்டும் என்ற கருத்துடன் அல்லது செயலால் அப்படிக் கொடுங்காயம் ஏற்படும் என்ற தெளிவுடன் தன்னிச்சையாக காயப்படுத்தும் செயலால் யாருக்காவது கொடுங்காயம் ஏற்பட்டால் அதனைத் தன்னிச்சையாகக் கொடுங்காயப்படுத்துதல் என்று கூறப்படும்.

பிரிவு - 323

தன்னிச்சையாகக் காயம் ஏற்படுத்துவதற்கான தண்டனை

Punishment for Voluntarily Causing Hurt

தன்னிச்சையாகக் காயப்படுத்தும் செயலை யார் புரிந்தாலும் ஓர் ஆண்டு வரை சிறைக்காவல் அல்லது ஆயிரம் ரூபாய்கள் வரை அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும் (334 – ஆவது பிரிவின்படி இந்த செயல் புரியப்பட்டிருந்தால் இந்தப்பிரிவு பொருந்தாது).

பிரிவு – 324

பயங்கரமான ஆயுதம் அல்லது வேறு வழிகளால்

தன்னிச்சையாக காயம் ஏற்படுத்துதல்

Voluntarily Causing Hurt by Dangerous Weapons or Means

துப்பாக்கி, குத்துவாள், சுத்தி, அரிவாள் போன்றவை மரணத்தை விளைவிக்கப் பயன்படுத்தக்கூடியவை. அதே போல் நெருப்பும், நெருப்பில் காய்ச்சப்பட்ட கருவிகளும் அத்தகைய அபாயத்தை விளைவிக்கக்கூடியவை விஷம், வெடி மருந்து, துருப்பிடிக்கச் செய்யும் பொருட்கள், இன்னும் மனிதர்களுடைய சுவாசத்தில், உள்நுழைப்புகளில் அல்லது ரத்தத்தில் கலப்பதன் மூலம் அத்தகைய அபாயத்தை உண்டாக்ககூடும் மிருகத்தாலும் அது சாத்தியமே, எனவே இவற்றில் ஏதாவது ஒன்றைப்பயன்படுத்தி தன்னிச்சையாகக் காயம் உண்டாக்குவது குற்றமாகும். இந்தக் குற்றத்திற்கு மூன்று ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கப்படும் (334 –ஆவது பிரிவில் விளக்கப்பட்டுள்ளபடி இத்தகைய செயல் புரியப்பட்டிருந்தால் இந்தத் தண்டனை பொருந்தாது).

பிரிவு – 325

தன்னிச்சையாக கொடுங்காயம் ஏற்படுத்தியதற்கான தண்டனை

Punishment for Voluntarily Causing Grievous Hurt

335-ஆவது பிரிவில் கூறப்பட்டள்ளபடியன்றி வேறு எவ்விதமாகவும் தன்னிச்சையாகக் கொடுங்காயம் உண்டாக்கினால், அந்த நபருக்கு ஏழு ஆண்டுகள் வரை சிறைக்காவலுடன் தண்டனையாக விதிக்கப்பட வேண்டும்.

பிரிவு 326

தன்னிச்சையாக பயங்கரமான ஆயுத்தால் அல்லது வேறு வழிகளினால் கொடுங்காயம்

ஏற்படுத்துவதற்கான தண்டனை

Voluntarily Causing Grievous Hurt by Dangerous Weapons or Means

மரணத்தை உண்டாக்குவதற்காகச் (துப்பாக்கியால்) சுடுதல், குத்துதல், வெட்டுதல் ஆகியவற்றிற்காக பயன்படும் கருவிகளால் அல்லது மரணத்தை உண்டாக்கக்கூடிய விதத்தில் நெருப்பு, நெருப்பில் காய்ச்சப்பட்ட பொருட்கள் அல்லது மரண அபாயத்தை உண்டாக்கக்கூடிய விஷம், வெடி மருந்துகள்,

துருப்பிடிக்கச் செய்யும் பொருட்கள் அல்லது மனிதரின் சுவாசத்தில் உள்ளூறுப்புகளில் அல்லது இரத்தத்தில் கலந்து, அத்தகைய அபாயத்தை உண்டாக்கக்கூடிய பொருட்கள் அல்லது மிருகங்கள் ஆகியவற்றைத் தன்னிச்சையாக பயன்படுத்தி அதனால் யாருக்காவது கொடுங்காயம் ஏற்பட்டால் அந்த நபருக்கு, ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள் வரை நீடிக்கக்கூடிய சிறைக்காவலுடன் அபராதமும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 332

**பொதுஊழியரை அவருடைய கடமையைச் செய்யவிடாமல் தன்னிச்சையாக தடுத்தல்
அல்லது காயப்படுத்துவதற்கான தண்டனை**

Voluntarily Causing Hurt to Deter Public Servant from his Duty

ஒரு பொதுஊழியரைத் தம் கடமையைச் செய்யாமல் தடுக்கவேண்டும் என்ற கருத்துடன் அல்லது சட்ட பூர்வமாக அவர் செய்யவிருக்கும் பணியைத் தடுப்பதற்காக அல்லது சட்டபூர்வமாகக் கடமை ஆற்றும் நிலையிலுள்ள ஒரு பொதுஊழியர் என்கிற முறையில் பணியாற்றிக் கொண்டிருக்கும் போது அவரைத் தன்னிச்சையாகத் தாக்கிக் காயப்படுத்தினால் மூன்று ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

பிரிவு — 333

**பொதுஊழியரை அவருடைய கடமையைச் செய்யவிடாமல் தடுப்பதற்கு
தன்னிச்சையாக கொடுங்காயம் ஏற்படுத்துதல்**

Voluntarily Causing Grievous Hurt to Deter Public Servant from his Duty

ஒரு பொதுஊழியரைத் தம்முடைய கடமையைச் செய்யாமல் தடுக்கவேண்டும் என்ற கருத்துடன் அல்லது சட்டபூர்வமாக அவர் செய்யவிருக்கும் பணியைத் தடுக்கவேண்டும் என்ற கருத்துடன் அல்லது அவர் தாம் ஒரு பொதுஊழியர் என்ற நிலையில் தம் பதவியிலிருந்து காரியம் ஆற்றும் பொழுது அவரை தன்னிச்சையாகக் கொடுங்காயப்படுத்துதல் குற்றமாகும். இந்த குற்றத்திற்கு பத்து ஆண்டுகள் வரை சிறைக்காவலுடன் அபராதமும் சேர்த்து தண்டனையாக விதிக்கப்பட வேண்டும்.

பிரிவு — 337

**உயிருக்கு (அ) தனி நபருடைய பாதுகாப்பிற்கு
ஒரு செயலால் காயம் ஏற்படுத்துதல்**

Causing Hurt by Act Endangering Life or Personal Safety of Others

மனித உயிருக்கு அபாயத்தை உண்டாக்கக்கூடிய அல்லது பிறருடைய பாதுகாப்பிற்கு குந்தகம் விளைவிக்கக்கூடிய எந்த செயலையாவது, அசட்டு துணிச்சலுடன் அல்லது கவனக்குறைவாக யாராவது புரிந்து அதனால் யாருக்காவது காயம் ஏற்பட்டால் அந்த செயலை புரிந்த நபருக்கு ஆறு மாதங்கள் வரை அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 338

**உயிருக்கு அல்லது தனி நபருடைய பாதுகாப்பிற்கு
ஒரு செயலால் கொடுங்காயம் ஏற்படுத்துதல்**

Causing Grievous Hurt by Act Endangering Life or Personal Safety of Others

மனித உயிருக்கு அபாயத்தை உண்டாக்கும் விதத்தில் அல்லது பிறருடைய பாதுகாப்புக்கு குந்தகம் விளைவிக்கும் முறையில் அசட்டுத் துணிச்சலுடன் அல்லது கவனக்குறைவாக செய்யப்படும்,

எந்தச் செயலினாலாவது, யாருக்காவது கொடுங்காயம் ஏற்பட்டால், அந்தச் செயலைப்பிரிந்த நபருக்கு இரண்டு ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

பிரிவு — 339

முறையற்ற தடுப்பு

Wrongful Restraint

ஒரு குறிப்பிட்ட திசையில் செல்வதற்கு உரிமைபெற்ற நபரை தன்னிச்சையாக தடுத்து அந்த திசையில் அவரை செல்லவிடாமல் நிறுத்துவதை முறையற்ற தடுப்பு என்று கூறப்படுகிறது.

பிரிவு — 340

முறையற்று சிறையிடுதல்

Wrongful Confinement

ஒரு குறிப்பிட்ட வரம்பை மீறி செல்ல முடியாதபடி ஒரு நபரை முறையற்று தடுப்பதை முறையற்று சிறையிடுதல் என்று கூறப்படுகிறது.

பிரிவு — 341

முறையற்ற தடுப்புக்கு தண்டனை

Punishment for Wrongful Restraint

எந்த நபரையும் முறையற்றுத் தடுப்பது குற்றமாகும். இந்த குற்றத்திற்கு ஒரு மாதம் வரை வெறுங்காவல் அல்லது ஐந்நூறு ரூபாய் வரை அபராதம் அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

பிரிவு — 342

எந்த நபரையும் முறையற்று சிறை வைப்பது குற்றமாகும்

Punishment for Wrongful Confinement

இந்த குற்றத்திற்கு ஒரு ஆண்டு வரை சிறைக்காவல் அல்லது 1000 ரூபாய் வரை அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 349

தாக்குதல்

Force

வன்முறைத் தாக்குதலும் தாக்க முனைதலும்

Criminal Force and Assault

ஒருவனுடைய உடலை அசைப்பது, அசையாமல் தடுப்பது, அல்லது அசைவில் மாற்றத்தை உண்டாக்குவதும், ஒரு பொருளை அசைத்து, அசையாமல் தடுத்து அல்லது அதனுடைய அசைவில் மாற்றத்தை உண்டாக்குவது ஆகியவற்றின் மூலம் அந்த பொருள் ஒருவருடைய உடலின் ஒரு பிரிவு அல்லது அவர் அணிந்திருக்கும் ஆடை அல்லது வைத்திருக்கும் பொருள் அல்லது அவருடைய

உணர்வைத் தொடக்கூடிய ஒரு பொருளைத் தொடுவது ஆகியவற்றில் எதனைப் புரிந்தாலும், அந்த நபர் தாக்குதல் செய்கிறார் என்று கூறலாம்.

அத்தகைய அசைவு அசைவில் மாற்றம் அல்லது அசைவைத் தடுக்கும் செயல், கீழே சொல்லப்பட்டுள்ள மூன்று வகையாக நடைபெறலாம்.

முதலாவதாக தன்னுடைய உடல் பலத்தைப்பயன்படுத்தி அத்தகைய செயல் நடைபெறலாம். இரண்டாவதாக, ஒரு பொருளை அசைப்பதன்மூலம் மேற்கண்ட அசைவினை உண்டாக்கலாம்.

மூன்றாவதாக, ஒரு மிருகத்தை அசையச்செய்து அதன் அசைவில் மாற்றத்தை ஏற்படுத்த அல்லது அசைவை நிறுத்தி அந்தச் செயல் நடைபெறலாம்.

பிரிவு – 350

வன்முறைத் தாக்குதல்

Criminal force

ஒருவருடைய சம்மதமின்றி அவரைத் தாக்கும்போது ஒரு குற்றத்தை புரியவேண்டும் என்ற கருத்துடன் அத்தகைய தாக்குதலால் காயம். அச்சம் அல்லது தொல்லைத் தரவேண்டும் என்ற கருத்துடனும் அல்லது தெளிவுடனும் அத்தகைய தாக்குதல் நடைபெற்றிருக்கும் போது அதனை வன்முறைத் தாக்குதல் என்கிறோம்.

பிரிவு – 351

வன்முறையில் தாக்க முனைதல்

Assault

ஒருவர் தம் எதிரிலுள்ள மற்றொருவரை வன்முறையில் தாக்கப்போவதாக அச்சுறுத்தும், கருத்துடன் ஒரு சைகையோ அல்லது ஓர் ஆயத்தமோ செய்தால் அதனை வன்முறையில் தாக்க முனைதல் என்று கூறுகிறோம்..

விளக்கம் :

வெறும் பேச்சுமட்டும் இந்த குற்றத்தின்பால் படாது. ஆனால் அவனுடைய சைகை அல்லது ஆயத்தத்துக்கு அந்த பேச்சு தரும் பொருள் அதனை வன்முறையில் தாக்க முனைதலாகக் கொள்ளும்படி செய்யக்கூடும்.

பிரிவு – 353

வன்முறை செயலால் ஒரு பொதுஊழியரை தன்னுடைய கடமையை செய்யவிடாமல் தடுத்தல்

Assault or Criminal Corce to Deter Public Servant from Discharge of his Duty

ஒரு பொதுஊழியர், சட்டப்படி தனக்குள்ள கடமையை செய்யவரும்போது அப்படி கடமையாற்ற விடாமல் அவரை தாக்க வேண்டும் அல்லது தாமதப்படுத்த வேண்டும் என்ற கருத்துடனும் அல்லது அப்படி கடமையாற்றுவதன் விளைவாகவோ அல்லது அப்படி கடமையாற்ற முயலும்போதோ அவரிடத்தில் வன்முறை தாக்குதல் அல்லது தாக்க முனைதல் குற்றமாகும். இந்த குற்றத்திற்கு

இரண்டு ஆண்டுகள் வரையில் சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

பிரிவு — 354

வன்முறையால் பெண்ணை மானபங்கப்படுத்துதல்
Assult or Criminal force to Women with Intent to Outrage her Modesty

ஒரு பெண்ணுடைய அடக்க உணர்ச்சிக்கு குந்தகம் விளைவிக்க வேண்டும் என்ற கருத்துடன் அல்லது தெளிவுடன் அவளை வன்முறையில் தாக்குவதும், தாக்க முனைவதும் குற்றமாகும். இந்த குற்றத்திற்கு இரண்டு ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 359

KIDNAPPING

ஆளை கவர்தல் என்பது இரண்டு வகைப்படும். அவை (1) இந்தியாவில் இருந்து கவர்தல் (2) சட்டபூர்வமான பாதுகாப்பாளரிடமிருந்து கவர்தல்.

பிரிவு — 360

இந்தியாவிலிருந்து கவர்ந்து செல்லுதல்
Kidnapping from India

ஒருவருடைய சம்மதத்தைப்பெறாமல் அல்லது அவருடைய சார்பில் சட்டபூர்வமாக அத்தகைய சம்மதத்தை கொடுக்கக்கூடிய நபருடைய சம்மதத்தைப்பெறாமல் அவரை இந்திய எல்லைக்கு வெளியே கொண்டுபோவதை இந்தியாவில் இருந்து ஆளை கவர்ந்து செல்வது என்று கூறப்படும்.

பிரிவு — 361

பெற்றோர் பாதுகாப்பாளரிடமிருந்து கடத்திச் செல்லுதல்
Kidnapping from Lawful Guardianship

பதினாறு வயதுக்கு குறைந்த ஓர் ஆணை அல்லது பதினெட்டு வயதுக்குக் குறைந்த பெண்ணை அல்லது சித்தசுவாதீனம் இல்லாத ஒரு நபரை அவர்களை காக்கக் கடமைப்பட்ட பாதுகாவலரின் சம்மதம்பெறாமல், ஆசை காட்டி இழுத்துக்கொண்டு அல்லது தூக்கிக் கொண்டு போவதைச் சட்டபூர்வமான பாதுகாப்பில் இருந்து கவர்ந்துசெல்லுதல் என்று கூறப்படும்.

விளக்கம்:

‘பாதுகாவலர்’ என்ற சொல் அத்தகைய நபரைப் பராமரிக்கும் பொறுப்பில் வைக்கப்பட்டுள்ள எவரையும் குறிக்கலாம்.

விதிவிலக்கு:

முறைகேடாகப் பிறந்த குழந்தைக்குத் தான்தகப்பன் என்ற நல்ல எண்ணத்துடன் அந்தக் குழந்தையை எடுத்துச்செல்வது, இந்த பிரிவின்பால் படாது. ஒரு நபரைப் பராமரித்துப் பாதுகாக்கும் பொறுப்பு தனக்கு இருக்கிறது என்ற நல்லெண்ணத்துடன் அப்படி செய்வதும் குற்றமாகாது.

பிரிவு — 362
கடத்திச் செல்லுதல்
Abduction

வன்முறையாலோ அல்லது ஏமாற்றக்கூடிய முறைகளாலோ, ஒருவரை ஓர் இடத்திலிருந்து மற்றோர் இடத்திற்கு செல்லும்படி கட்டாயப்படுத்துவது கடத்திச்செல்லுதல் எனப்படும்.

பிரிவு — 363
கவர்ந்து செல்வதற்கான தண்டனை
Punishment for Kidnapping

ஒரு நபரை இந்தியாவுக்கு வெளியே கவர்ந்து சென்றாலும், இந்தியாவுக்கு உள்ளே சட்டபூர்வமான பாதுகாவலரிடமிருந்து கவர்ந்து சென்றாலும் ஏழு ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 363 — A
பிச்சையெடுப்பதற்காக இளம் சிறுவர்களை கவர்தல் அல்லது
முடம் ஆக்குவதற்கான தண்டனை
Kidnapping or Maiming a Minor for Purposes of Begging

பிச்சைகாரர்களாக வேலைசெய்ய அல்லது பிச்சையெடுப்பதற்குப் பயன்படுத்த வேண்டும் என்ற கருத்துடன் இளஞ்சிறுவர்களைக் (சிறுமியரை) கவர்தலும் அல்லது அவர்களைச் சட்டபூர்வமாகப் பாதுகாக்கக் கடமைப்பட்டவர்களின் பொறுப்பிலிருந்து கொண்டுபோவதும் குற்றமாகும். இந்தக் குற்றத்திற்கு பத்து ஆண்டுகள் வரை சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்பட வேண்டும்.

பிச்சை எடுப்பதற்குப் பயன்படுத்தவேண்டும் என்ற நோக்கத்துடன் இளஞ்சிறுவர்களை (சிறுமியர்) அங்கவீனப்படுத்துவோருக்கு ஆயுள் தண்டனையுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

சட்டபூர்வமான பாதுகாக்கும் கடமையுள்ளவர்களைத் தவிர மற்றவர்கள் இளஞ்சிறுவர்களைப் பிச்சையெடுப்பதற்குப் பயன்படுத்தினால், அந்த நபர் அத்தகைய சிறுவரைக் கவர்ந்துவந்து அல்லது பிச்சையெடுப்பதற்கென்றே சட்டபூர்வமான பாதுகாப்பிலிருந்து தன்னுடைய பொறுப்புக்குக் கொண்டுவந்து வைத்திருப்பதாகவே கொள்ளப்படும் (தான் நிரபராதி என்பதை நிரூபிக்கும் பொறுப்பு அந்த நபரையே சாரும்).

இந்தப் பிரிவில்,-

(a) பிச்சை எடுத்தல் என்பது:

- i) பாடுவது, ஆடுவது, சோதிடம் கூறுவதும் வித்தைகள் புரிவது பண்டங்களை விற்பது என்ற முறைகளில் நடித்துப் பொதுஇடங்களில் தர்மம் கேட்டுப்பெறுவதையும்.
- ii) தர்மம் கேட்டும் அல்லது பெறும் நோக்கத்துடன் தனிப்பட்டவர்களின் இடங்களுக்குச் செல்வதையும்.

- iii) தன் உடம்பில் அல்லது மற்றொருவருடைய உடம்பில் அல்லது மிருக்கதிடம் உள்ள புண், காயம், குறைபாடு நோய் அல்லது தீங்கை, தர்மம் பெற வேண்டும், காசு பெறவேண்டும் என்ற நோக்கத்துடன் காட்டுவதையும்.
- iv) இளஞ்சிறுவர்களை (சிறுமியர்) தர்மம் பெறவேண்டும் என்ற நோக்கத்துடன் காட்டுவதும் ஆகியவற்றைக் குறிக்கும்.

(b) சிறுவர் (சிறுமியர்) என்பது

- (i) பதினாறு (16) வயதுக்கு உட்பட்ட ஆணையும்
- (ii) பதினெட்டு (18) வயதுக்கு உட்பட்ட பெண்ணையும் குறிக்கும்.

பிரிவு — 366

பலாத்காரமாக ஒரு பெண்ணைத் திருமணத்திற்காகக் கவர்தல், கடத்தி செல்லுதல், தூண்டுதல் போன்றவை

Kidnapping, Abducting or Inducing Women to Compel her Marriage etc.

ஒரு பெண்ணைப் பலாத்காரமாக வேறு ஒருவருக்கு திருமணம் செய்துவைக்க வேண்டும் என்ற கருத்துடன் அல்லது அப்படி அவளுடைய விருப்பத்துக்கு விரோதமாகத் திருமணம் செய்துவைக்கப்படும் என்று தெரிந்திருந்தும் கவர்ந்து செல்வது அல்லது கடத்தி செல்வது குற்றமாகும். அவளுடைய விருப்பத்துக்கு விரோதமாகப் பலாத்காரப்படுத்தி உடல் புணர்ச்சி கொள்வதற்காக அல்லது அத்தகைய உடல் புணர்ச்சிக்கு அவள் உட்படுத்தப்படுவாள் என்று தெரிந்திருந்தும், அந்தப் பெண்ணைக் கவர்தல் அல்லது கடத்திச் செல்லுதல் குற்றமாகும். இந்தக் குற்றத்துக்குப் பத்து ஆண்டுகள்வரை சிறைக் காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

தன்னுடைய அதிகாரத்தைத் தவறாகப்பயன்படுத்தி அல்லது குற்றத் தலையீட்டால் அல்லது வேறு எவ்விதமான கட்டாயத்தாலும் ஒரு பெண்ணை அவளுடைய சம்மதமின்றிப் பிறருடைய புணர்ச்சிக்கு ஆட்படுத்தவேண்டும் என்ற நோக்கத்துடன் ஓர் இடத்தை விட்டு நீங்கும்படி தூண்டுகின்றவர்களும் இந்தப் பிரிவின்படி தண்டனைக்கு உரியவர்களாவர்.

பிரிவு — 366 — A

இளம்பெண்ணை கட்டாயப் புணர்ச்சிக்கு ஆட்படுத்துதல்
Procuration of Minor Girl

பதினெட்டு வயதுக்கும் குறைந்த ஒரு பெண்ணை, பிறருடன் கட்டாயப்புணர்ச்சிக்கு உட்படுத்த வேண்டும் என்ற கருத்துடன் அல்லது அத்தகைய புணர்ச்சிக்கு அந்தப் பெண் உட்படுத்தப்படுவாள் என்று தெரிந்திருந்தும், அவளை ஓர் இடத்திலிருந்து மற்றோர் இடத்திற்குச் செல்லும்படி, எந்த வகையில் தூண்டினாலும் குற்றமாகும். இந்தக் குற்றத்திற்குப் பத்து ஆண்டுகள் சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 375

வன்முறைப் புணர்ச்சி Rape

விதிவிலக்கு அளிக்கப்பட்டுள்ள முறையிலன்றி கீழ்வரும் ஆறு வகையான உடலுறவுகளில் எதனை ஓர் ஆண் மேற்கொண்டாலும், அந்த ஆண் வன்முறைப் புணர்ச்சியில் ஈடுபட்ட குற்றம் புரிந்தவராகக் கருதப்படுவார்.

முதலாவது — ஒரு பெண்ணின் விருப்பத்துக்கு விரோதமாக

இரண்டாவது — அவளுடைய சம்மதமின்றி

மூன்றாவது — அவளுக்கு அல்லது அவளுக்கு நெருக்கமான ஒருவருக்கு மரணம் அல்லது காயம் விளைவிக்கப்படும் என்ற அச்சுறுத்தலின் பேரில் அவளுடைய சம்மதத்தைப் பெற்று

நான்காவது — அவளுடைய சம்மதத்துடன் அத்தகைய உடல் உறவு மேற்கொள்ளப்பட்டிருந்தாலும் அத்தகைய சம்மதத்தினை அளிக்கும்போது அந்தப் பெண் சித்தசுவாதீனமற்று இருந்ததால் அல்லது அந்த ஆண் மகனால் அல்லது அவருக்கு அடங்கி வேறொருவரால் போதையூட்டக்கூடிய, மயக்கம் உண்டாக்கக்கூடிய ஒரு பொருள் அளிக்கப்பட்டிருந்ததன் விளைவாக அந்தப் பெண்

ஐந்தாவது — அவளுடைய சம்மதத்துடன் அத்தகைய உடல் உறவு மேற்கொள்ளப்பட்டிருந்தாலும் அத்தகைய சம்மதத்தினை அளிக்கும்போது அந்தப் பெண் சித்தசுவாதீனமற்று இருந்ததால் அல்லது அந்த ஆண் மகனால் அல்லது அவருக்கு அடங்கிய வேறொருவரால் போதையூட்டக்கூடிய அல்லது மயக்கம் உண்டாக்கக்கூடிய ஒரு பொருள் அளிக்கப்பட்டிருந்ததன் விளைவாக அந்தப் பெண், தான் எதற்காக அத்தகைய சம்மதத்தை அளித்திருக்கிறோம் என்பதைப்பற்றியும் அதன் விளைவுகளைப் பற்றியும் அறியமுடியாத சூழ்நிலையில் அத்தகைய சம்மதத்தை அளித்திருக்கும்போது;

ஆறாவது — அவள் பதினெட்டு வயது பூர்த்தியடையாதபோது அவளுடைய சம்மதத்தைப்பெற்றும், பெறாமலும் மேற்கொள்ளப்படும் உடலுறவு வன்முறைப்புணர்ச்சியாகும்.

விளக்கம் :

ஆண் குறியைச் சிறிதளவு பெண் குறிக்குள் நுழைத்தாலும் வன்முறைப்புணர்ச்சி என்ற குற்றத்துக்கான உடல் புணர்ச்சி நடைபெற்றதாகக் கொள்ளப்படும்.

விதிவிலக்கு:

பதினெட்ட வயது பூர்த்தியடைந்துள்ள மனைவியுடன் உடல் புணர்ச்சியெய்யும் கணவன் மீது வன்முறைப்புணர்ச்சி செய்த குற்றம் ஆகாது.

பிரிவு — 376

வன்முறைப் புணர்ச்சிக்குரிய தண்டனை Punishment for Rape

1. 2-வது கிளைப்பிரிவில் விளக்கப்பட்டுள்ள நிலைகளில் அன்றி வன்முறைப் புணர்ச்சியில் ஈடுபடுகின்ற ஒரு நபருக்கு ஏழாண்டுகளுக்குக் குறையாமலும், ஆனால் பத்தாண்டுகள் அல்லது ஆயுட்காலம் நீடிக்கக் கூடிய சிறைக்காவல் தண்டனையுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்பட வேண்டும்.

வன்முறைப் புணர்ச்சிக்கு ஆளாக்கப்பட்டவர், அந்த நபரின் மனைவியாகவும், பதினெட்டு வயதுக்குக் குறையாதவராகவும் இருந்தால் அந்த நபருக்கு இரண்டு ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது அவ்விரண்டும் தண்டனையாக விதிக்கப்பட வேண்டும்.

எனினும், தாம் தக்கது மற்றும் தனித்தன்மை வாய்ந்தது என்று, கருதி தம் தீர்ப்புரையில் வெளியிடக்கூடிய காரணங்களுக்காக (அந்த நீதிமன்றம்) அந்த நபருக்கு ஏழாண்டுகளுக்கும் குறைவான சிறைக் காவலைத் தண்டனையாக விதிக்கலாம்.

(சிறைக்காவல் என்பது கடுங்காவல் அல்லது வெறுங்காவல் ஆகிய இரண்டில் எதுவாகவேனும் இருக்கலாம்.)

2. (அ) ஒரு காவல் அலுவலர்.-

- (i) தாம் பணியாற்றும் காவல் நிலையத்தின் வரம்புக்குள் அல்லது
- (ii) தாம் பணியாற்றும் காவல் நிலையமாக இருப்பினும் அல்லது அப்படி இல்லாதிருப்பினும் ஒரு காவல் நிலையக் கட்டிடத்தில் அல்லது
- (iii) தம் பொறுப்பில் உள்ள அல்லது தமக்கு கீழ் பணிபுரியும் ஒரு காவல் அலுவலரின் பொறுப்பில் உள்ள ஒரு பெண்ணிடம் வன்முறைப் புணர்ச்சியில் ஈடுபட்டாலும் அல்லது

ஆ) அரசு ஊழியராக இருக்கும் ஒருவர், தமது பொறுப்பில் உள்ள அல்லது தமக்குக் கீழ் பணியாற்றும் அலுவலர் ஒருவரின் பொறுப்பிலுள்ள பெண்ணிடம் வன்முறைப் புணர்ச்சி செய்தாலும் அல்லது

இ) அமலில் உள்ள சட்டப்படி அமைக்கப்பட்டுள்ள பெண்களுக்கான சிறைக் காவல் விடுதி அல்லது வேறு காப்பிடம், மகளிர் இல்லம், குழந்தைகள் இல்லம் ஆகிய ஒன்றின் நிர்வாகப் பொறுப்பிலுள்ள அல்லது அங்கே பணிபுரியும் ஓர் அரசு ஊழியர் தம் அதிகாரத்தைப் பயன்படுத்தி அந்தச் சிறைக்காவல் விடுதி, காப்பிடம் அல்லது இல்லம் ஆகியவற்றில் உள்ள ஒரு பெண்ணிடம் வன்முறைப் புணர்ச்சியில் ஈடுபட்டாலும் அல்லது

ஈ) ஒரு மருத்துவமனையில் பணியாற்றும் அல்லது அதன் நிர்வாகப் பொறுப்பில் உள்ள ஓர் அரசு ஊழியர் தம் அதிகாரத்தைப் பயன்படுத்தி அந்த மருத்துவமனையில் உள்ள ஒரு பெண்ணிடம் வன்முறைப் புணர்ச்சியில் ஈடுபட்டாலும் அல்லது

உ) ஒரு பெண் கருவுற்றிருக்கிறாள் என்று தெரிந்த பின்னர், அந்த பெண்ணுடன் வன்முறைப் புணர்ச்சி செய்தாலும் அல்லது

ஊ) பதினெட்டு வயதுக்குக் குறைவான ஒரு பெண்ணை வன்முறைப்புணர்ச்சி செய்தாலும் அல்லது

எ) பலர் ஒன்றாகக் கூடி வன்முறைப் புணர்ச்சியில் ஈடுபட்டாலும் அத்தகைய நபருக்குப் பத்து ஆண்டுகளுக்குக் குறையாத சிறைக்காவல் அல்லது ஆயுட்காலம் வரையில் சிறைக்கால் தண்டனையாக விதிக்கப்பட வேண்டும். மற்றும், அந்த நபருக்கு அபராதமும் விதிக்கலாம்.

எனினும், நாம் தக்கதென்றும் தனித்தன்மை பெற்றதென்றும் தம் தீர்ப்புரையில் குறிப்பிடக் கூடிய காரணங்களுக்காக ஒரு நீதிமன்றம் அந்தத் தண்டனை காலத்தைப் பத்தாண்டுகளுக்குக் குறைவான காலத்துக்குச் சிறைக்காவல் விதிக்கலாம்.

விளக்கம் - 1:

இந்தக் கிளைப் பிரிவின்படி, ஒன்றுக்கு மேற்பட்டவர் ஒன்று கூடி ஒரு பெண்ணை வன்முறைப் புணர்ச்சிக்கு ஆளாக்கும் போது, அந்த கூட்டத்தில் உள்ள ஒவ்வொருவரும் கூட்டாக வன்முறைப்புணர்ச்சி செய்ததாகக் கருதப்படுவார்கள்.

விளக்கம் - 2:

“மகளிர் அல்லது குழந்தைகள் இல்லம்” என்பது பெண்களையும், குழந்தைகளையும் வரவேற்றுப் பாதுகாக்கும் ஓர் இல்லத்தைக் குறிக்கும். அநாதை இல்லம் அல்லது திக்கற்றோர் இல்லம் அல்லது புறக்கணிக்கப்பட்ட பெண்கள் அல்லது கைம்பெண்கள் இல்லம் என்ற இல்லங்களையும் இந்தச் சொல் குறிக்கும்.

விளக்கம் - 3:

‘மருத்துவமனை’ என்பது ஒரு மருத்துவமனைக் கட்டடத்தையும் நோயுற்றோர் அல்லது நோய்க்குப் பிறகு உடல் நலத்தைப் பேணிச் சீராக்கும் நிலையில் உள்ளோர் அல்லது புணர்வாழ்வுக்காகத் தங்கியிருக்கும் நபர்கள் மருத்துவ உதவி தேவைப்பட்டோர் அல்லது மருத்துவ உதவி பெற்று வருவோர் உள்ள இடத்தை குறிக்கும்.

பிரிவு – 376 – A

கணவன் மனைவி தனித்து வாழும் போது புணர்ச்சி செய்தல் Intercourse by a Man with his Wife during Separation

சமூக பழக்க வழக்கங்களின்படி, அல்லது ஒரு நீதிமன்றத்தின் ஆணைப்படி தன்னிடமிருந்து பிரிந்து வாழும் மனைவியுடன், அப்படி அவள் பிரிந்து வாழும் நிலையில் அவளுடைய சம்மதமின்றி உடலுறவு கொள்வது குற்றமாகும். அந்த குற்றத்துக்கு இரண்டு ஆண்டுகள் வரையில் சிறைக்காவலும் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்பட வேண்டும்.

பிரிவு – 376 – B

தன் பொறுப்பில் இருக்கும் பெண்ணை பொதுஊழியர் புணர்ச்சி செய்தல் Intercourse by Public Servant with Woman in his Custody

தம் பொறுப்பில் உள்ள அல்லது தமக்குக் கீழ் பணியாற்றும் ஓர் அலுவலரின் பொறுப்பிலுள்ள ஒரு பெண்ணிடம் தம் அதிகாரத்தைப் பயன்படுத்தி, ஆசைக் காட்டித் தன் வசம் இழுக்கச் செய்து தம்முடன் உடலுறவு மேற்கொள்ளும்படி ஓர் அரசு ஊழியர் செய்கிறார். அத்தகைய உடலுறவு

வன்முறைப்புணர்ச்சியாக அமையாவிடும் தண்டனைக்குரிய குற்றமாகும். இரண்டு ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்பட வேண்டும்.

பிரிவு — 376 — C

சிறைக்காவல் அதிகாரி அல்லது காவல் இல்ல அதிகாரி தன் பொறுப்பில் உள்ள பெண்ணை உடலுறவு கொள்ளுதல்

Intercourse by Superintendent of Jail Remand of Home etc.

ஒரு சிறைச்சாலை, காவல் இல்லம் அல்லது அமலில் உள்ள ஒரு சட்டப்படி காவலில் வைக்கத்தக்க இடம் அல்லது மகளிர் அல்லது குழந்தைகள் இல்லம் ஆகியவற்றின் மேலாளர் அல்லது கண்காணிப்பாளராக உள்ள ஒருவர், தம் அதிகாரத்தைப் பயன்படுத்தி அத்தகைய சிறைச்சாலை, காவல் விடுதி, மகளிர் அல்லது குழந்தைகள் இல்லம் ஆகியவற்றில் இருக்கும் ஒரு பெண்ணை ஆசை காட்டி, தம்முடன் உடலுறவு கொள்ளும்படி செய்தல் தண்டனைக்குரிய குற்றமாகும். அத்தகைய குற்றம் புரிந்த நபருக்கு ஐந்து ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்பட வேண்டும்.

விளக்கம்:

“கண்காணிப்பாளர்” என்ற சொல், அத்தகைய சிறைச்சாலை, காவல் விடுதி அல்லது இல்லத்தில் வைக்கப்பட்டுள்ளவர்கள் மீது அதிகாரம் செலுத்தத் தக்க அல்லது பொறுப்பு வகிக்கத்தக்க மற்றப் பதவிகளில் உள்ளவர்களையும் குறிப்பதாகும்.

பிரிவு — 376 — D

ஒரு மருத்துவமனையின் பொறுப்பில் உள்ளவர் அங்கே வேலை செய்யும் பெண்ணுடன் உடலுறவுக் கொள்ளுதல்

Intercourse by any Member of the Management or Staff of a Hospital with any Woman in that Hospital

ஒரு மருத்துவமனையின் மேலாண்மைப் பொறுப்பில் உள்ள அல்லது ஒரு மருத்துவமனையின் பணியாளர்களில் ஒருவராக உள்ள ஒரு நபர், தம் பதவியைப் பயன்படுத்தி அந்த மருத்துவமனையில் உள்ள ஒரு பெண்ணுடன் உடலுறவு கொண்டால் அத்தகைய உடலுறவு வன்முறைப் புணர்ச்சியாக இல்லாதிருப்பினும் அந்த நபருக்கு ஐந்து ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்பட வேண்டும்.

மேற்கண்ட குற்றங்களைப் பற்றிய விசாரணைகளைத் தனியறையில் நடத்துவதற்குரிய பாதுகாப்பினைக் குற்ற விசாரணை முறைச் சட்டத்தின் 327 (2) ஆவது என்ற புதிய திருத்தத்தின் மூலம் தந்துள்ளனர்.

பிரிவு — 377

இயற்கைக்கு மாறான குற்றங்கள்
Unnatural Offences

ஒருவர் தன்னிச்சையாக, ஓர் ஆணுடன் அல்லது ஒரு பெண்ணுடன் அல்லது ஒரு மிருகத்துடன் இயற்கைக்கு மாறாகப் புணர்ச்சி செய்வது குற்றமாகும். இந்தக் குற்றத்துக்கு ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்பட வேண்டும்.

பிரிவு - 498 - A

கணவரால் அல்லது கணவரின் உறவினரால் பெண்ணிற்கு

இழைக்கப்படும் கொடுமைகள்

Of Cruelty by Husband or Relative of her Husband

ஒரு பெண்ணை, அவளுடைய கணவன் அல்லது கணவரின் உறவினர்களில் ஒருவர் கொடுமைப்படுத்தினால் அந்த நபருக்கு மூன்று ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்பட வேண்டும்.

விளக்கம் :

இந்தப்பிரிவில் வரும் கொடுமைப்படுத்துதல் என்ற சொல் தரக்கூடிய பொருள் யாதெனில்;

1. ஒரு பெண்ணைத் தற்கொலை செய்து கொள்ளும்படி தூண்டக்கூடிய அல்லது அவளுடைய உயிருக்கு, உடலுக்கு அல்லது சுகத்திற்குத் தீங்கு விளைவிக்கக் கூடிய ஒரு செயலைக் குறிக்கும் (அது உடலுக்கு அல்லது உள்ளத்துக்குக் கேடுபயக்கக் கூடியதாகக் கூட இருக்கலாம்.)
2. சட்ட விரோதமாக ஒரு சொத்தை அல்லது மதிப்புள்ள காப்பீட்டை அந்தப் பெண் மூலம் அல்லது அவளுடைய உறவினரிடமிருந்து வலுக்கட்டாயமாகப் பெற வேண்டும் என்பதற்காக அல்லது அப்படி அவளால் அல்லது அவளுடைய உறவினரால் அப்படிக் கொடுக்க முடியவில்லை என்பதற்காக அந்தப் பெண்ணுக்குப் பொறுக்க முடியாத சங்கடங்களை உண்டாக்குவதைக் குறிக்கும்.

அத்தியாயம் - 17**(CHAPTER - 17)****சொத்துக்களைப் பற்றிய குற்றங்கள்****Offences Against Property**

பிரிவு - 378

திருட்டு**Theft**

ஒருவர் தம் வசம் வைத்திருக்கும் அசையும் பொருளை, அவருடைய சம்மதமின்றி, நாணயமற்ற வகையில் எடுத்துக் கொள்ள வேண்டும் என்ற கருத்துடன் அந்த பொருளை அப்படி எடுத்துக் கொள்வதற்காக நகர்த்துவதைத் 'திருட்டு' என்று கூறுகிறோம்.

விளக்கம் - 1:

பூமியுடன் பிணைக்கப்பட்டுள்ள அசையாப்பொருளை, அது பூமியுடன் பிணைக்கப் பட்டுள்ள வரையில் திருட முடியாது. பூமியிலிருந்து பிரிக்கப்பட்டவுடன் அந்த பொருள் திருட்டுக்கு உரிய பொருளாகிறது.

விளக்கம் - 2:

அப்படி அந்தப்பொருளைத் திருடுவதற்காகப் பூமியிலிருந்து பிரிக்கும் பொழுது திருட்டுச் செயலும் புரியப்படுகிறது.

விளக்கம் - 3:

ஒரு பொருளை நகர்த்தவொட்டாமல் தடுப்பதற்கெனப் போடப்பட்டுள்ள தடையை அகற்றுவதும் அல்லது அந்தப்பொருளை வேறொரு பொருளில் இருந்து பிரிப்பதும், நேரடியாக அதனை நகர்த்துவதும் நகர்த்துதல் என்ற பொருளில் கொள்ளப்படும்.

விளக்கம் - 4:

ஒரு மிருகத்தை நகரும்படி செய்யப்படும் எந்தக்காரியமும், அந்த மிருகத்தை நகர்த்துவதாகவே கொள்ளப்படும். நகர்த்தப்பட்டால் அந்தப் பொருளையும் அப்படியே நகர்த்தியதாகக் கொள்ளப்படும்.

விளக்கம் - 5:

சம்மதம் தெளிவாகத் தரப்படலாம். அல்லது பூடகமாகவும் தரப்படலாம், சொத்துக்கு உரியவர் மட்டுமின்றி, அவர் சார்பில் அதிகாரம் பெற்ற வேறு யாராலும் அளிக்கப்பட்ட சம்மதமும், அத்தகைய சம்மதமாகவே கொள்ளப்படும்.

பிரிவு — 379

திருட்டுக் குற்றத்திற்கான தண்டனை Punishment for Theft

திருட்டுக் குற்றத்தை யார் புரிந்தாலும் அந்த நபருக்கு மூன்று ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் சேர்த்து தண்டனையாக விதிக்கலாம்.

பிரிவு — 380

வசிப்பிடங்கள் போன்றவற்றில் திருட்டு Theft in Dwelling House etc.

குடியிருப்பதற்காகப் பயன்படும் அல்லது சொத்துக்களை பாதுகாப்பாக வைப்பதற்குப் பயன்படும் வீடு, கூடாரம் அல்லது கப்பலில் திருடுபவர்களுக்கு ஏழாண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்பட வேண்டும்.

பிரிவு — 381

உரிமையாளரிடம் எழுத்தர் அல்லது பணியாளர் செய்யும் திருட்டு Theft by Clerk or Servant of Property in Possession of Master

ஒருவரிடம் பணியாளராக அல்லது எழுத்தராகப் பணிபுரியும் ஒரு நபர் தம்முடைய முதலாளியின் பொருளைத் திருடினால் ஏழு ஆண்டுகள் வரை சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 382

திருடுவதற்கு முன்னர் அல்லது செய்ய முற்படும் போது மரணம்- காயம் ஏற்படுத்துதல் Theft after Preparation made for Causing Death, Hurt or Restraint in Order to the Committing Theft

திருடுவதற்காக அல்லது திருடியபின் பிடிபடாமல் தப்பிச் செல்வதற்காக அல்லது திருடிய பொருளைத் தன்னிடத்திலேயே வைத்திருப்பதற்காக மரணம் அல்லது காயம் அல்லது தடுத்தல் ஆகியவற்றிற்கான ஆயத்தங்களைச் செய்து விட்டு அல்லது மரணத்தைப் பற்றிய அல்லது காயம் உண்டாகும் என்ற அல்லது தடுக்கப்படுவோம் என்ற அச்சத்தைப் பிறருக்கு ஊட்டுவதற்கான ஆயத்தம் செய்துவிட்டு யாரேனும் திருடினால், அந்த நபருக்குப் பத்து ஆண்டுகள் வரையில் கடுங்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

உதாரணம்:

1. முனியனுடைய சொத்தை முருகேசன் திருடுகிறான். திருடும் பொழுது முனியன் தடுத்தால் அவனுக்குக் காயம் உண்டாக்குவதற்காகத் தோட்டாக்கள் நிரப்பப் பெற்ற கைத்துப்பாக்கியைத் தன் உடைக்குள் மறைத்து வைத்துக் கொண்டிருக்கிறான். முருகேசன் இந்தப் பிரிவின் கீழ் குற்றவாளி ஆகிறான்.
2. ஒருவருடைய சட்டைப் பையிலுள்ள பொருளைத் திருடும்பொழுது தம்முடைய ஆட்களை அவரைச் சுற்றிவளைத்து கொண்டிருக்கும்படி செய்கிறான். திருடுவதைத் தடுப்பதற்கு முயற்சி செய்தால் அவரைத் தடுப்பது தான்அவர்களுடைய வேலை, எனவே திருடும் நபர் இந்தப் பிரிவின்படி குற்றவாளி ஆகிறான்.

பிரிவு — 383

அச்சுறுத்திப் பொருள் பறித்தல் Extortion

ஒருவருக்குத் தீங்கிழைக்கப்படும் என்று பயன்படுத்தி, அவரிடமிருந்து ஒரு சொத்தை அல்லது மதிப்புள்ள காப்பீட்டை அல்லது முத்திரையிடப்படும் கையொப்பமிட்டும் உள்ள மதிப்புள்ள காப்பீட்டைக் கொடுக்கும்படி தூண்டுவதை ‘அச்சுறுத்திப் பொருள் பறித்தல்’ என்று சொல்லப்படும். அத்தகைய பயத்தை பொருளை வைத்திருக்கும் நபருக்காவது அல்லது வேறு ஒருவருக்காவது உண்டாக்கலாம்.

உதாரணம்:

1. தனக்குப்பணம் கொடுக்காவிட்டால் ராமசாமியைப் பற்றி அவதூறான ஒரு செய்தியை வெளியிடுவேன் என்று பாலன் மிரட்டுகிறான். அதன் மூலம் ராமசாமியைத் தனக்குப் பணம் கொடுக்குமாறு தூண்டுகிறான். ஆகவே பாலன் அச்சுறுத்திப் பொருள் பறிக்கும் குற்றத்தைப் புரிகிறான்.

2. விளைச்சலின் ஒரு பிரிவுயைத் தனக்குத் தருவதாக எழுதிக் கொடுக்கா விட்டால், ஆட்களை விட்டுத் தொல்லைப்படுத்துவேன் என்று நிலச் சொந்தக்காரரை ஒருவன் மிரட்டுகிறான். மிரட்டலுக்குப் பயந்து, நிலச் சொந்தக்காரரும் அப்படியே எழுதிக் கொடுத்து விடுகிறான். மிரட்டித் தன் விருப்பத்தைச் சாதித்துக் கொண்டவன் இந்தப் பிரின்படி குற்றவாளி ஆகிறான்.

பிரிவு — 390

கொள்ளை Robbery

கொள்ளையில் திருட்டு அல்லது அச்சுறுத்திப் பொருள் பறித்தல் நடை பெற்றிருக்கும்.

திருடுவதற்கு அல்லது திருடும்போது அல்லது திருடிய பொருளைக் கொண்டு செல்ல முயற்சி செய்யும் பொழுது குற்றவாளியால் யாருக்காவது தன்னிச்சையாக மரணம் அல்லது காயம் அல்லது முறையின்றித் தடுத்தல் நிகழ்ந்தாலும் அல்லது அதற்கான முயற்சி நடைபெற்றாலும் அல்லது மரணம் அல்லது காயம் அல்லது முறையின்றித் தடுத்தல் உடனே நிகழும் என்ற பயம் உண்டாக்கப்பட்டாலும் அத்தகைய திருட்டைக் கொள்ளை என்று சொல்லப்படும்.

அச்சுறுத்திப் பொருள் பறிக்கும் பொழுது அச்சுறுத்தப்படும் நபருக்கு அருகில் குற்றவாளி இருக்கிறான். அந்த நபருக்கு அல்லது வேறொருவனுக்கு மரணம், காயம் அல்லது முறையின்றித் தடுத்தல் உடனே நிகழும் என்ற பயத்தை ஊட்டி, அவரிடமிருந்து அந்த இடத்திலேயே பொருளைப் பறித்தால் அந்தக் குற்றமும் கொள்ளை என்றே சொல்லப்படும்.

விளக்கம் :

அத்தகைய பயத்தை உண்டாக்குவதற்குப் போதுமான தூரத்தில் குற்றவாளி இருந்தால், அவன் அருகில் இருந்ததாகக் கொள்ளப்படும்.

- கந்தசாமியைக் கீழேதள்ளி அழுத்திப் பிடித்துக் கொண்டு அவனிடமுள்ள ஆபரணங்களையும் பணத்தையும் ஜேம்ஸ் திருடும்பொழுது தன்னிச்சையாக கந்தசாமியை எங்கும் செல்லவிடாமல் முறையின்றி தடுப்பதால் இந்தத் திருட்டு கொள்ளையாகிறது.
- நெடுஞ்சாலையில் வடிவேலுவை வழிமறித்த கண்ணப்பன் தன் கைத்துப்பாக்கியால் காயம் ஏற்படும் என்று அச்சுறுத்தி வடிவேலுவிடமிருந்து பணம் பறிக்கிறான். அந்த இடத்தில் அவன் நேரிலும் இருக்கிறான். எனவே கண்ணப்பன் மீது கொள்ளையடித்த குற்றம் சாரும்.
- சோமுவை அவனுடைய குழந்தையையும் நெடுஞ்சாலையில் சங்கரன் சந்திக்கிறான். சோமுவின் குழந்தையைக் கையில் எடுத்துக்கொண்ட சங்கரன் அந்தக் குழந்தையை மலை உச்சியிலிருந்து கீழே எறிந்து விடுவேன் என்று அச்சுறுத்தி சோமுவிடம் இருந்து பணம் பறிக்கிறான். சங்கரன் மீது கொள்ளையடித்த குற்றம் சாரும்.
- ‘உன்னுடைய குழந்தை’ என்னுடைய கூட்டாளிகளிடம் அகப்பட்டுக் கொண்டது எங்களுக்கு பத்தாயிரம் ரூபாய் ரொக்கமாக கொடுக்காவிட்டால் உன்னுடைய குழந்தையைக் கொன்றுவிடுவோம் என்று அச்சுறுத்தி ஒருவரிடமிருந்து பணம் பறிக்கப்படுகிறது. இதனை

அச்சுறுத்திப் பொருள் பறித்த குற்றமாகக் கொள்ள வேண்டும். குழந்தையை உடனே கொன்று விடுவார்கள் என்ற அச்சம் உண்டாக்கப்பட்டால்தான் இந்தக் குற்றம் கொள்ளை ஆகும்.

பிரிவு — 391

கூட்டுக்கொள்ளை

Dacoity

ஐந்து பேர்கள் அல்லது அதற்கு மேற்பட்டவர்கள் ஒன்றுகூடிக் கொள்ளை அடிக்கும்போது அந்தக் கொள்ளையைக் ‘கூட்டு கொள்ளை’ என்று கூறுகிறோம். கொள்ளையடிப்பவர்கள் அல்லது கொள்ளையடிக்கும் முயற்சியில் ஈடுபட்டுள்ளவர்கள் அவர்களுக்குத் துணை நிற்பவர்கள் இன்னும் அந்த சம்பவம் நடைபெறும் இடத்தில் ஐந்து பேர்களுக்கு மேல் இருந்தால் அதுவும் கூட்டுக் கொள்ளையாகும்.

பிரிவு — 392

கொள்ளையடித்ததற்கான தண்டனை

Punishment for Robbery

கொள்ளையடிக்கும் குற்றத்தை யார் புரிந்தாலும் பத்து ஆண்டுகள் வரையில் கடுங்காவலுடன் அபராதமும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

சூரியஅஸ்தமனத்துக்குப் பிறகும் சூரியஉதயத்துக்கு முன்னும் அத்தகைய கொள்ளை நடைபெற்றிருந்தால், பதினான்கு ஆண்டுகள் வரையில் தண்டனை நீடிக்கப்படலாம்.

பிரிவு — 393

கொள்ளையடிக்க முயற்சி செய்தல்

Attempt to Commit Robbery

கொள்ளையடிப்பதற்கு யார் முயற்சி செய்தாலும் ஏழு ஆண்டுகள் வரை கடுங்காவலும் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 394

கொள்ளையடிக்கும்போது தன்னிச்சையாக காயம் ஏற்படுத்துதல்

Voluntarily Causing Hurt in Committing Robbery

கொள்ளையடிக்கும்போது அல்லது கொள்ளையடிக்க முயற்சி செய்யும்போது கொள்ளையடித்த நபர் அல்லது அவருடன் அந்த கொள்ளையில் ஒத்துழைத்த வேறு யாராவது தன்னிச்சையாகக் காயம் ஏற்படுத்தினால் அந்த குற்றத்துக்கு ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள் வரை கடுங்காவல் அத்துடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 395

கூட்டுக் கொள்ளைக்கான தண்டனை

Punishment for Dacoity

கூட்டுக் கொள்ளை அடிப்பவர்களுக்கு ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள் வரை சிறைக்காவல் அத்துடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 396

கூட்டுக் கொள்ளையுடன் கொலை செய்தல் Dacoity with murder

கூட்டுக் கொள்ளையில் சம்பந்தப்பட்ட நபர்களில் யாராவது, அப்படிக் கூட்டுக் கொள்ளையடிக்கும்போது யாரையாவது கொலை செய்துவிட்டால் கூட்டுக்கொள்ளையில் சம்பந்தப்பட்ட ஒவ்வொருவருக்கும் மரண தண்டனை அல்லது ஆயுள்தண்டனை அல்லது பத்து ஆண்டுகள் வரை சிறைக்காவல் தண்டனையாக விதிக்கப்படும். அத்துடன் அபராதமும் விதிக்கப்படும்.

பிரிவு -399

கூட்டுக் கொள்ளையிடுவதற்கு ஆயத்தம் செய்தல் Making Preparation to Commit Dacoity

கூட்டுக்கொள்ளை அடிப்பதற்கான ஆயத்தம் யார் புரிந்தாலும் பத்து ஆண்டுகள் வரை கடுங்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு 402

கூட்டுக்கொள்ளையடிப்பதற்காகக் கூடுதல் Assembling for Purpose of Committing Dacoity

இந்தச் சட்டம் அமலாக்கப்பட்ட பிறகு கூட்டுக் கொள்ளையடிப்பதற்கென ஐந்து அல்லது அதற்கு மேற்பட்ட நபர்கள் கூடி இருக்கும் கூட்டத்தில் ஒருவராக இருப்பவருக்கு ஏழு ஆண்டுகள் வரை கடுங்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 403

சொத்துக்களை கையாடல் Dishonest Misappropriation of Property

நேர்மையின்றி ஓர் அசையும் பொருளைத் தன்னுடைய சொந்த உபயோகத்திற்கென மாற்றிக் கொள்வதும் கையாடல் செய்த குற்றமேயாகும். இந்த குற்றத்துக்கு இரண்ட ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

உதாரணம்:

1. சங்கரனுக்குச் சொந்தமான சொத்தை தன்னுடையது என்று நம்பிய சரோஜா நல்லெண்ணத்துடன் அதனை எடுத்துக் கொள்கிறாள். இந்த நிலையில் சரோஜா மீது திருட்டுக் குற்றம் சாட்ட முடியாது. ஆனால் தன்னுடைய தவறை உணர்ந்த பிறகும் சரோஜா நேர்மையின்றி அந்தச் சொத்தைத் தன் சொந்த உபயோகத்திற்கென வைத்துக்கொண்டால் சரோஜா மீது இந்தப் பிரிவின்கீழ் குற்றம் சாட்டப்படும்.

2. பரமசிவமும் பாஸ்கரனும் நண்பர்கள், பாஸ்கரின் வீட்டுக்குச் சென்ற பரமசிவம், அவன் இல்லாதபோது அவனுடைய வீட்டிலிருந்து ஒரு புத்தகத்தை எடுத்துக்கொண்டு போகும்போது, படித்துவிட்டுத் திருப்பிக் கொடுத்து விடலாம் அதற்கு பாஸ்கர் ஆட்சேபம் தெரிவிக்க மாட்டார் என்ற நல்லெண்ணத்துடன் அப்படி செய்திருந்தால் பரமசிவத்தின் மீது பழி இல்லை. ஆனால் அந்தப் புத்தகத்தை விற்றுப் பணத்தைப் பரமசிவம் எடுத்துக் கொண்டால் பரமசிவத்தின் மீது கையாடல் செய்த குற்றம் சுமத்தப்படும்.

விளக்கம்-1:

ஒரு முறை நேர்மையின்றிக் கையாடல் செய்தாலும் இந்தப் பிரிவின்கீழ் குற்றமாகும்.

உதாரணம்:

ராஜாவுக்கு சொந்தமான அரசாங்க கடன் பத்திரத்தை ராமன் வழியில் கண்டெடுக்கிறான். அதனை அவன் ஈடுகாட்டி பணம் பெறுகிறான். பிறகு அதனை மீட்டு ராஜாவிடம் கொடுத்துவிட வேண்டும் என்பதே அவனுடைய நோக்கமாகும். இருப்பினும் ராமன்மீது இந்தப் பிரிவின்படி குற்றம் சாட்டப்படும்.

விளக்கம் - 2:

1. ஒருவர் ஒரு பொருளைக் கண்டெடுக்கிறார். அதனுடைய சொந்தக்காரர் யார் என்று அவருக்குத் தெரியாது. சொந்தக்காரர் வந்து கேட்டால் திருப்பிக் கொடுத்துவிடலாம் என்ற நல்லெண்ணத்துடன் அதனைப் பாதுகாத்து வருகிறார். அவர் நேர்மையின்றி அதனை கையாடல் செய்ததாக அல்லது தமக்கென்று எடுத்துக்கொண்டதாகக் குற்றம் சாட்ட முடியாது.
2. ஆனால் அதன் சொந்தக்காரர் யாரென்று தெரிந்த பிறகும், அந்த நபர் அந்த சொத்தைத் தமக்கென்று வைத்துக்கொள்வது கையாடல் செய்த குற்றமாகும். சொந்தக்காரர் யாரென்று தெரிந்து கொள்வதற்குத் தேவையான நடவடிக்கைகளை எடுக்க வேண்டும். தெரிந்தவுடன் அவருக்கு மேற்படி பொருள் தன் வசத்தில் இருக்கிறது என்று தெரிவிக்க வேண்டும். அப்படிச் செய்யாமல் இருப்பது குற்றமாகும்.
3. பொருளின் சொந்தக்காரர் யார் என்பது பொருளைக் கண்டு எடுத்தவருக்குத் தெரியவேண்டிய அவசியம் இல்லை. ஆனால் பொருளைத் தமக்கென எடுத்துக் கொள்ளும்போது அது தம்முடையபொருள் அல்ல என்று உணர்ந்தால் போதும் அல்லது அந்தப்பொருளின் சொந்தக்காரரைக் கண்டுபிடிக்க முடியாது என்று உணர்ந்தாலும் போதும்.

உதாரணம் :

அ) பாஸ்கரன் தன் பணப்பையை நழுவ விட்டுவிடுவதைப் பரந்தாமன் பார்க்கிறான். அதனைப் பாஸ்கரனிடம் கொடுக்க வேண்டும் என்ற கருத்துடன் பரந்தாமன் எடுக்கிறான். ஆனால் அதைத் தனக்கே உரியதாக எடுத்துக் கொள்கிறான். அப்போது பரந்தாமன் இந்தப் பிரிவின்படி குற்றவாளி ஆகிறான்.

ஆ) ஒருவன் வழியில் ஒரு பணப்பையைக் கண்டெடுக்கிறான். முதலில் அந்தப் பைக்குச் சொந்தக்காரர் யார் என்பது அவனுக்குத் தெரியாது. ஆனால் அவன் அந்தப் பையின் சொந்தக்காரர் யார் என்று தெரிந்த பிறகும் அந்தப் பையை அவரிடம் கொடுக்காமல் தானே வைத்துக் கொள்கிறான்.

இ) ஒருவன் விலை மதிப்புள்ள ஒரு மோதிரத்தை தெருவில் கண்டு எடுக்கிறான். அது யாருடைய மோதிரம் என்ற கண்டறிய முயற்சி செய்யாமல் உடனே அதனை விற்றுப் பணத்தை எடுத்துக்கொள்கிறான். அவன் குற்றவாளி ஆகிறான்.

Punishment for Criminal Breach of Trust

நம்பிக்கை, மோசம் செய்த குற்றத்தை யார் புரிந்தாலும், அந்த நபருக்கு மூன்று ஆண்டுகள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு - 409

**பொதுஊழியர் வங்கி, வியாபாரி அல்லது தரகர் ஏஜண்ட் நம்பிக்கை மோசடி
செய்ததற்கான தண்டனை**

Criminal Breach of Trust by Public Servant or by Banker or Merchant or Agent

ஒரு பொதுஊழியரிடம் அல்லது ஒரு வங்கி நிர்வாகி (பாங்கர்) யிடம் அல்லது வியாபாரி, தரகர் ஏஜண்ட் அல்லது அத்தகைய நிலையில் பணி புரிபவர் ஆகியவர்களிடம் ஒரு சொத்து ஒப்படைக்கப்பட்டிருக்கிறது. அல்லது ஒரு சொத்தின் ஆதிக்கம் அவர்களிடம் வரும்படி செய்யப்பட்டிருக்கிறது. அந்த நிலையில் அந்தச் சொத்தை அவர்கள் நம்பிக்கை மோசம் செய்தல் அந்தக் குற்றத்துக்கு ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் சேர்த்து தண்டனையாக விதிக்கப்படும்.

பிரிவு - 410

திருட்டு சொத்து

Stolen Property

திருட்டு அல்லது அச்சுறுத்திப் பெறல் அல்லது கொள்ளை அல்லது குற்றக் கையாடல் அல்லது நம்பிக்கை மோசம் செய்தல் ஆகியவற்றைப் புரிவதன் மூலம் கிடைத்த சொத்து கள்ளப்பொருள் (திருட்டுச் சொத்து) என்று சொல்லப்படுகிறது. அத்தகைய பொருள் இந்தியாவுக்குள்ளேயோ அல்லது இந்தியாவுக்கு வெளியேயோ எங்கே மாற்றப்பட்டிருந்தாலும் அது கள்ளப்பொருளாகும். ஆனால் அந்தப்பொருள் சட்டப்பூர்வமாக அதன் மீது உரிமை கொண்டாடக் கூடியர் வசத்தில் வரும்போது அது கள்ளப் பொருள் ஆவதில்லை.

பிரிவு - 411

கள்ளப்பொருளை கரவுடன் பெறுதல்

Dishonestly Receiving Stolen Property

ஒருவர் அத்தகைய கள்ளப் பொருளை கள்ளப்பொருள் என்று தெரிந்த பின்னும் நேர்மையின்றிப் பெறுவதும் தம்வசம் வைத்துக்கொண்டிருப்பதும் குற்றமாகும். அந்தக் குற்றத்திற்கு மூன்று ஆண்டுகள் வரையில் சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு - 412

கரவுடன் பெற்ற கூட்டுக் கொள்ளைப் பொருள்

Dishonestly Receiving Property Stolen, the Commission of a Dacoity

ஒரு பொருள், கூட்டுக் கொள்ளையின் மூலம் கிடைத்த கள்ளப்பொருள் என்று தெரிந்திருந்தும் அந்த பொருளை அந்த கூட்டுக் கொள்ளையில் சம்பந்தப்பட்டவர்களில் ஒருவரிடமிருந்து அல்லது அத்தகைய கூட்டுக்கொள்ளைக் கூட்டத்தைச் சார்ந்தவரிடமிருந்து நேர்மையின்றிப் பெறுவதும் அதை

தன்வசத்தில் வைத்திருப்பதும் குற்றமாகும். இந்த குற்றத்துக்கு ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள் வரையில் கடுங்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 415

வஞ்சித்தல்

Cheating

ஒருவரை ஏமாற்றி கள்ளத்தனமாக அல்லது நேர்மையின்றி ஏமாற்றப்பட்டவரைத் தூண்டி அவரிடம் உள்ள சொத்தை பிறருக்குக் கொடுக்கும்படி செய்வதும், அல்லது பிறர் அவருடைய சொத்தை வைத்துக்கொள்வதற்கு சம்மதம் தெரிவிக்கும்படி செய்வதும் அல்லது ஏமாற்றப்பட்டவரைக் கருத்துடன் தூண்டி அவர் செய்யாத காரியத்தைச் செய்யும்படியும் செய்ய வேண்டிய காரியத்தை செய்யாதிருக்கும்படி செய்வதும், அத்தகைய காரியத்தை அவர் செய்வதால் அல்லது செய்யாமல் இருப்பதால் அவருடைய மனம், உடல், புகழ் அல்லது சொத்துக்குத் தீங்கினை உண்டாக்கினாலும் அல்லது தீங்கு உண்டாக்கக் கூடியதாக இருந்தாலும் அதனை வஞ்சித்தல் என்று சொல்லப்படுகிறது.

விளக்கம் :

நேர்மையின்றித் தகவல்களை மறைப்பதும் இந்த பிரிவின்படி ஏமாற்றுதலாகக் கொள்ளப்படும்.

உதாரணம் :

அ) சிவக்குமார், தாம் ஓர் ஐ.எஸ்.எஸ் அதிகாரி என்ற கருத்துடன் கந்தசாமியை ஏமாற்றி அவருடைய கடையிலிருந்து கடனுக்கு பொருட்களை வாங்குகிறார். அவற்றிற்கு உரிய பணத்தைத் திருப்பித்தர வேண்டும் என்ற எண்ணம் அவருக்கு இல்லாதபோது அவர் இந்த பிரிவின்படி குற்றவாளி ஆகிறார்.

ஆ) ஒரு பொருளின் மீது ஒரு பொய்யான குறியை இட்டு, அந்தப்பொருளைப் புகழ் பெற்ற தயாரிப்பாளர் ஒருவர் தயாரித்ததாக மற்றவரை நம்ப வைத்து, அவரை நேர்மையின்றி, அந்தப் பொருளை விலைக்கு வாங்கும்படி தூண்டுவது இந்த பிரிவின்படி குற்றமாகும்.

இ) ஒரு பொருளுடைய மாதிரியைக் காட்டி ஒருவரை நம்ப வைத்து, வேறு ஒரு பொருளை அவர் வாங்கும்படி நேர்மையின்றித் தூண்டுதலும் இந்தப் பிரிவின்கீழ் குற்றமாகும்.

பிரிவு – 416

ஆள் மாறாட்டம்

Cheating by Personation

ஒருவரைப் போல் நடத்து அல்லது ஒரு நபருக்குப் பதிலாக மற்றொரு நபரைக் காட்டி அல்லது தான் அல்லது அந்த நபர் வேறு ஓர் ஆள் அல்லது நபர் என்று உண்மைக்கு புறம்பாகக்கூறி அதன் மூலம் வஞ்சிப்பதை ஆள்மாறாட்டம் செய்து வஞ்சித்தல் என்று குறிப்பிடப்படும்.

விளக்கம்:

யாரைப்போல் ஆள்மாறாட்டம் செய்கிறோமோ அந்த நபர் உண்மையில் உள்ளவராக இருப்பினும் கற்பனை நபராக இருப்பினும் அப்படி ஆள்மாறாட்டம் செய்யும்பொழுது இந்தக் குற்றம் புரியப்படுகிறது.

உதாரணம்:

அ) ஒரு பெரிய பணக்காரனுடைய பெயரும் தன் பெயரும் ஒன்றாக இருக்கம்போது, தான் தான் அந்த பணக்காரர் என்று சொல்லும்போது ஆள்மாறாட்டம் செய்து வஞ்சிக்கும் குற்றம் புரியப்படுகிறது.

ஆ) இறந்துவிட்டவரைப் போல நடிக்கும்போது ஆள்மாறாட்டம் செய்யப்படுகின்றது.

பிரிவு – 420

**ஏமாற்றி மற்றும் நேர்மையின்றித் தூண்டிப் பொருளைப் பெறுதல் அல்லது
கொடுக்கும்படி செய்தல்**

Cheating and Dishonestly Inducing Delivery of Property

ஒருவரை ஏமாற்றி அதன்மூலம் நேர்மையின்றி அவரைத் தூண்டி, ஒரு சொத்தைப் பிறருக்குக் கொடுக்கும்படி செய்தாலும் அல்லது ஒரு மதிப்புள்ள காப்பீட்டை உருவாக்கும்படி அல்லது மாற்றும்படி அல்லது அழிக்கும்படி செய்தாலும் அல்லது மதிப்புள்ள காப்பீடாகக் கையெழுத்திடப்பட்டு முத்திரை இட்டுப் பயன்படுத்தத்தகும் பொருளை அவ்வாறு உருவாக்க மாற்ற அல்லது அழிக்கத்தக்க செயல் புரியும்படி செய்தாலும் அத்தகைய வஞ்சனை புரிந்தவருக்கு ஏழு ஆண்டுகள் வரையில் சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 425

**சொத்து அழித்தல்
Mischief**

தம்முடைய செயலால் முறையற்ற நஷ்டம் அல்லது தீங்கு பொதுமக்களுக்கு அல்லது ஒரு தனிப்பட்ட மனிதருக்கு உண்டாகும் என்று தெரிந்திருந்தும் அல்லது அத்தகைய நஷ்டம் அல்லது தீங்கினை உண்டாக்க வேண்டும் என்ற கருத்துடன் ஒரு சொத்தை அழிப்பதும் அல்லது அந்தச் சொத்தின் மதிப்பு அல்லது உபயோகத்தை அழிக்கக் கூடிய அல்லது குறைக்கக் கூடிய செயலைப் புரிந்தாலும், அதற்குப் பாதகமான செயலைப் புரிந்தாலும், சொத்து அழித்தல் செய்யப்படுவதாக கொள்ளப்படும்.

விளக்கம் :

அ) சொத்தின் சொந்தகாரருக்கு அத்தகைய நஷ்டம் ஏற்படுத்த வேண்டும் என்ற கருத்துடன் அந்தச் செயலைப் புரியாவிட்டாலும், அந்தச் செயலால் யாருக்காவது சொத்து அழிவு அல்லது தீங்கு ஏற்படக்கூடும் என்று அறிந்திருந்தால் அதுவே போதுமானது.

ஆ) சொத்து அழித்தல் என்னும் குற்றத்தில் பிறருடைய சொத்துக்கு மட்டுமின்றி , அத்தகைய குற்றம் புரியும் நபருடைய சொந்த சொத்துக்கும் பிறருடைய சொத்துக்கும் சேர்த்து அத்தகைய பாதகம் நேரிடலாம்.

உதாரணம் :

1. வடிவேலுக்கு முறையற்ற நஷ்டம் உண்டாக்க வேண்டும் என்ற கருத்துடன், சாத்தப்பன் வடிவேலுக்குச் சொந்தமான ஒரு மதிப்புள்ள காப்பீட்டைத் தீயிட்டு அழிக்கிறார். சாத்தப்பன் இந்தப் பிரிவின்படி குற்றவாளியாகிறார்.

2. ஒருவருக்குச் சொந்தமான தங்க மோதிரத்தை அவருக்கு முறையற்ற நஷ்டத்தை உண்டாக்க வேண்டும் என்ற கருத்துடன் ஆற்றுக்குள் வீசி எறிகிறோம். இந்தப்பிரிவின்படி நாம் குற்றம் புரிந்தவர்களாகிறோம்.
3. மற்றவருக்குச் சொந்தமான தோட்டத்துக்குள் நம்முடைய ஆடு, மாடுகளை, அவருடைய பயிர்களை அழிக்கவேண்டும் என்ற கருத்துடன் மேய விடுவதும் இந்தப் பிரிவின்படி குற்றமாகும்.

பிரிவு — 429

மிருகங்களைக் கொல்லுதலும் அல்லது ஊமையாக்குதலும்
Mischief by Killing or Maiming Cattle, etc., of Any Value or any Animal of the
Value of Fifty Rupees

ஐம்பது ரூபாய் அல்லது அதற்கு மேலும் மதிப்புள்ள யானை, ஒட்டகம் குதிரை, கோவேறு கழுதை, எருமை, மாடு அல்லது பசு ஆகியவற்றைச் சொத்து அழிக்கும் குற்றத்தால் கொன்றாலும் விஷமிட்டு அழித்தாலும் முடமாக்கினாலும் அல்லது பயனற்றுப் போகும்படி செய்தாலும் அந்த நபருக்கு ஐந்து ஆண்டுகள் வரையில் சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 435

தீயிட்டு அல்லது வெடிமருந்து பொருட்களால் 100 ரூபாய் மதிப்புள்ள
சொத்தை சேதப்படுத்துதல்

Mischief by fire or Explosive Substance with Intent to Cause Damage to Amount of
One Hundred or in Case of Agricultural Produce Ten Rupees

தீயிட்டு அல்லது வெடி மருந்துப் பொருட்களால், நூறு ரூபாய் அல்லது அதற்கு மேலும் மதிப்புள்ள ஒரு சொத்தை அல்லது பத்துரூபாய் அல்லது அதற்கும் மேலும் மதிப்புள்ள அறுவடையாக்கத்தக்க பொருளை அழித்தால் அந்தக் குற்றம் புரிந்த நபருக்கு ஏழு ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 441

அத்துமீறல்
Criminal Trespass

குற்றம் புரியவேண்டும், மிரட்ட வேண்டும், அவமதிக்கவேண்டும் அல்லது தொல்லை தரவேண்டும் என்ற கருத்துடன் ஒருவருக்குச் சொந்தமான அல்லது அவருடைய வசத்தில் உள்ள இடத்தில் நுழைவதும்.

(அல்லது)

சட்டவிரோதமாக அந்த இடத்துக்குள் நுழைந்த பின்னர், குற்றம் புரியவேண்டும், மிரட்ட வேண்டும், அவமதிக்க வேண்டும் அல்லது தொல்லை தர வேண்டும் என்ற கருத்துடன் சட்டவிரோதமாக அந்த இடத்தில் இருப்பதும், குற்றங்கருதி அத்துமீறல் என்று சொல்லப்படும்.

பிரிவு — 442

அத்துமீறி வீடு புகுதல்
House Trespass

மனிதர் குடியிருப்பதற்காகப் பயன்படும் வீடு, கூடாரம் அல்லது கப்பலுக்குள் குற்றம் கருதி அத்துமீறல் செய்வதைக் குற்றம் கருதி வீடு புகுதல் என்று சொல்லப்படும்.

வழிபாட்டுக்கு உரிய ஒரு கட்டடத்துக்குள் அல்லது பண்டங்களைப் பாதுகாக்க வைத்திருக்கும் கட்டடத்துக்குள் குற்றங்கருதி அத்துமீறலையும் குற்றங்கருதி வீடு புகுதல் என்றே குறிக்கப்படும்.

விளக்கம் :

அத்துமீறுவோரின் உறுப்பின் ஒரு பிரிவு உள்ளே நுழைந்தாலும் குற்றங்கருதி வீடு புகுதல் என்ற மாற்றம் நடைபெற்றதாகக் கொள்ளப்படும்.

பிரிவு — 443

ஒளிந்து வீடு புகுதல்
Lurking House Trespass

கட்டடம் கூடாரம் அல்லது கப்பலுக்குள்ளிலிருந்து பிறரை வெளியே தள்ளுவதற்கு உரிமை உடையவருக்குத் தெரியாதபடி, குற்றங்கருதி வீடு புகுதலை மறைந்திருந்து புரிவதற்கான ஆயத்தங்களுடன் மேற்கொண்டால் அதனை ஒளிந்து வீடு புகுதல் என்கிறோம்.

பிரிவு — 444

இரவில் ஒளிந்து வீடு புகுதல்
Lurking House-Trespass by Night

சூரிய உதயத்துக்குப் பிறகும் சூரிய உதயத்துக்கு முன்னும் ஒளிந்து வீடு புகுதலை இரவில் ஒளிந்து வீடு புகுதல் என்று குறிப்பிடப்படும்.

பிரிவு — 447

அத்து மீறலுக்கு தண்டனை
Punishment for Criminal Trespass

அத்து மீறி நுழையும் குற்றத்தை யார் புரிந்தாலும் அந்த நபருக்கு மூன்று மாதங்கள் வரை சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

பிரிவு — 454

வலிந்து வீடு புகுந்ததற்கான குற்றத்திற்குத் தண்டனை
Lurking House Trespass or House Breaking in Order to Commit Offence
Punishable with Imprisonment

தண்டனைக்குரிய குற்றத்தைப் புரிவதற்காக ஒளிந்து வீடு புகும் அல்லது வலிந்து வீடு புகும் நபருக்கு மூன்று ஆண்டுகள் வரை சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக

விதிக்கப்படும். செய்யநினைத்த குற்றம் திருட்டாக இருப்பின், அந்த நபருக்குப் பத்து ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு – 457

இரவில் வலிந்து வீடு புகுந்த குற்றத்திற்குத் தண்டனை
Lurking House Trespass or House Breaking by Night in Order to
Commit Offence Punishable with Imprisonment

சிறைத் தண்டனைக்குரிய குற்றத்தைப் புரியவேண்டும் என்பதற்காக யாரேனும் ஒளிந்து வீடு புகுதல் அல்லது வலிந்து வீடு புகுதல் ஆகிய குற்றத்தை இரவில் புரிந்தால் அந்த நபருக்கு ஐந்து ஆண்டுகள் வரை சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

புரியநினைத்த குற்றம் திருட்டுக் குற்றமாக இருப்பின் அந்த நபருக்கு பதினான்கு ஆண்டுகள் வரையில் சிறைக்காவலைத் தண்டனையாக விதிக்கவேண்டும்.

பிரிவு – 445

வலிந்து வீடு புகுதல்
House Breaking

குற்றம் புரிவதற்கென ஒரு வீட்டுக்குள் நுழைவதற்கு அல்லது குற்றம் புரிந்தபின் அந்த வீட்டை விட்டு வெளியேற்றுவதற்கு அல்லது குற்றங்கருதி வீடு புகுவதற்கு,-

- 1) தன்னால் அல்லது தனக்கு குற்ற உடந்தையாக உள்ள வேறு ஒரு நபரால் உண்டாக்கப்பட்ட வழியின் மூலமாக அந்த வீட்டுக்குள் நுழைவது அல்லது அந்த வீட்டிலிருந்து வெளியேறுவது.
- 2) தன்னையும் தனக்குக் குற்ற உடந்தையாக உள்ள நபரையும் தவிர வேறு எவருக்கும் பயன்படுத்தக் கருதாத வழியில் அந்த வீட்டுக்குள் நுழைவது அல்லது அந்த வீட்டிலிருந்து வெளியே வர அல்லது சுவர் அல்லது கட்டடத்தின் மீதேறி அதன் மூலம் அந்த வழியை அடைவது.
- 3) தன்னால் அல்லது தனக்குக் குற்ற உடந்தையாக இருக்கும் நபரால், அந்த வீட்டின் சொந்தக்காரர் உண்டாக்க நினைக்காத ஒரு வழியை உண்டாக்கி அதன்மூலம் குற்றம் புரிவதற்கென உள்ளே நுழைவது, வெளியே வருவது.
- 4) குற்றம் கருதி வீடு புகுவதற்கென வீட்டின் பூட்டை உடைத்து உள்ளே செல்வது அல்லது வெளியே வருவது.
- 5) ஒருவரை அச்சுறுத்தி மிரட்டி அல்லது வன்செயல் மூலம் அந்த வீட்டுக்குள் குற்றங்கருதி உள்ளே புகுவது, குற்றம் புரிந்த பின் வெளியே வருவது.
- 6) தடுக்கப்பட்டுள்ள (மூடப்பட்டுள்ள) வழியைத் தானாக அல்லது தனக்குக் குற்ற உடந்தையாக உள்ள நபரால் திறந்து அதன் மூலம் அந்த வீட்டுக்குள் புகுவது, வெளியே வருவது.

ஆகிய முறைகளைக் கையாண்டு வீடு புகுதலை வலிந்து வீடு புகுதல் என்று கூறப்படும்.

விளக்கம் :

ஒரு வீட்டுக்குள் அந்த வீட்டுடன் தொடர்புள்ள மற்றொரு வீடும் (அவுட் ஹவுஸ்) அந்த வீட்டின் ஒரு பகுதியாகவே இந்தப் பிரிவில் கருதப்படும்..

உதாரணம்:

- ஒரு வீட்டுக்குள் கன்னம் வைத்துக் கையை உள்ளே நுழைப்பதும் இந்தப் பிரிவின் கீழ் அடங்கும்
- ஒரு கப்பலிலுள்ள துவாரத்தின் வழியாகப் புகுவதும் அத்துமீறி வலிந்து வீடு புகுதலாகவே கொள்ளப்படும்.
- ஒரு வீட்டின் ஜன்னல் வழியாக உள்ளே புகுவதும், அத்துமீறி வலிந்து வீடு புகுதல் ஆகும்.
- உள்ளே தாளிடப்பட்டிருக்கும் கதவைத் திறந்து கொண்டு, அத்துமீறி புகுதலை, வலிந்து வீடு புகுதலாகக் கொள்ளப்படும்.
- ஒரு வீட்டின் கதவிலுள்ள சந்து வழியாக ஒரு கம்பியை நுழைத்து உள்ளே வர இருக்கும் தாழ்பாளைத் தள்ளித் திறந்துகொண்டு, அந்த வீட்டுக்குள் புகுவதும் வலிந்து வீடு புகுதலாகவே கொள்ளப்படும்.

பிரிவு- 446

இரவில் வலிந்து வீடு புகுதல்

House Breaking by Night

சூரிய உதயத்திற்கு முன் அல்லது சூரிய அஸ்தமனத்திற்குபின் நடைபெறும் வலிந்து வீடு புகுதலை இரவில் வலிந்து வீடு புகுதல் என்று கொள்ளப்படும்.

பிரிவு - 468

ஏமாற்றுவதற்காக பொய்யான ஆவணத்தைத் தயாரித்தல்

Forgery of Purpose of Cheating

பொய்யாக ஓர் ஆவணத்தைப் புனைவதன்மூலம் பிறரை வஞ்சிப்பதற்கு அதனைப் பயன்படுத்த வேண்டும் என்ற கருத்துடன், அத்தகைய பொய்யாவணம் புனைவோருக்கு ஏழு ஆண்டுகள் வரை சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

பிரிவு - 471

பொய்யாகப் புனையப்பட்ட உண்மையானதாக உபயோகம் செய்தல்

Using as Genuine a Forged Document

பொய்யாகப் புனையப்பட்ட ஆவணத்தை அது அத்தகைய ஆவணம் என்று தெரிந்திருந்தும் நேர்மையின்றி அல்லது மோசடியாக அதனை உண்மையான ஆவணம் என்று பயன்படுத்துவோருக்கு, பொய்யாக ஓர் ஆவணத்தைப் புனைந்தவருக்கு உரிய தண்டனை விதிக்கப்படும்.

அத்தியாயம் - 18

(CHAPTER – 18)

ரூபாய்நோட்டுகள், பாங்கு நோட்டுகள் பற்றிய குற்றங்கள்
Offences Relating to Currency Notes and Bank Notes

பிரிவு – 489 – A

ரூபாய்நோட்டுகளை அல்லது வங்கிநோட்டுகளைப் போலியாகத் தயாரித்தலும் அல்லது அவற்றைப் போலியாக்குவதற்கான வேலையில் எந்த ஒரு பிரிவுமையும் தெரிந்து செய்தாலும் அந்த நபருக்கு ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள் வரையில் சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

விளக்கம் :

இந்த பிரிவிலும் 489 B, 489 C, 489 E ஆகிய பிரிவுகளிலும் வங்கி நோட்டு என்று சொல்லப்படுவது அதை வைத்திருப்பவர், கேட்கும் போது பணம் பெறத்தக்க உத்தரவை அடக்கியுள்ள நோட்டைக் குறிக்கும். உலகின் எந்தப் பிரிவிலும் வங்கி தொழில் நடத்தும் ஒருவரால், அத்தகைய நோட்டு அளிக்கப்பட்டாலும் அல்லது அதிகாரம் பெற்ற எந்த அரசாங்கத்தாலும் அரசாலும் அளிக்கப்படலாம். வங்கிகளால்தரப்படும் கடன்உறுதிப் பத்திரங்களையும் இந்த சொல் குறிக்கும்.

பிரிவு – 489 – B

பொய்யாக புனையப்பட்ட அல்லது போலியான ரூபாய் நோட்டு அல்லது வங்கி
 நோட்டு உண்மையானதாக உபயோகம் செய்தல்
Using as Genuine Forged or Counterfeit Currency Notes or Bank Notes

பொய்யாகப் புனையப்பட்ட அல்லது போலியாக்கப்பட்ட ரூபாய் நோட்டை அல்லது வங்கிநோட்டை, அதன் தன்மையை உணர்ந்திருந்தும் யாரேனும் அதனை விற்பதும், வாங்குவதும், பெறுவதும் அல்லது அவற்றைச் செலாவணி செய்வதும் அவற்றை நல்ல நோட்டுகளைப்போல் பயன்படுத்துவதும் குற்றமாகும். இந்தக் குற்றத்துக்கு ஆயுள் தண்டனை அல்லது பத்து ஆண்டுகள்வரை சிறைக்காவலுடன் அபராதமும் சேர்த்துத் தண்டனையாக விதிக்கப்படும்.

அத்தியாயம் - 22

(CHAPTER – 22)

மிரட்டுதல், அவமதித்தல், தொந்தரவு தருதல்
Criminal Intimidation, Insult and Annoyance

பிரிவு – 503

மிரட்டுதல், அவமதித்தல் ஆகிய குற்றங்கள்

Criminal Intimidation

ஒருவருடைய அல்லது அவர் அக்கறைகாட்டும் மற்றொருவருடைய உடலுக்கு, உடமைக்கு அல்லது புகழுக்குத் தீங்கிழைக்கப்படும் என்று அவருக்குப் பீதியை உண்டாக்க வேண்டும் என்ற கருத்துடன் அல்லது செய்ய வேண்டிய செயலைச் செய்யும்படி வற்புறுத்த வேண்டும் என்ற கருத்துடன் ஒருவரை அந்த மிரட்டலுக்கு இணங்கி, அவர் செயல்படுமாறு செய்வதற்கென மிரட்டுவதை, குற்றங்கருதி மிரட்டுதல் என்கிறோம்.

விளக்கம் :

நாம் அக்கறை காட்டக்கூடிய ஒரு நபர் இறந்து விட்டாலும் அவருடைய புகழுக்குப் பங்கம் விளைவிக்கப்படும் என்று மிரட்டுவதும் இந்தப் பிரிவில் அடங்கும்.

உதாரணம் :

தன்மீது ஓர் உரிமையியல் வழக்கைப்போடாமல் தடுப்பதற்காக அவருடைய வீட்டை எரித்து விடுவேன் என்று மிரட்டுவது இந்தப் பிரிவின் படி குற்றமாகிறது.

பிரிவு – 506

குற்றங்கருதி மிரட்டுவதற்கான தண்டனை**Punishment for Criminal Intimidation if Threat be to Cause or Grievous Hurt etc.**

‘குற்றம் கருதி மிரட்டல்’ என்ற குற்றத்தைப் புரிவருக்கு இரண்டு ஆண்டுகள் வரையில் சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

அத்தகைய மிரட்டுதல், உயிர் போக்கும் குற்றம் புரியப்படும் அல்லது கொடுங்காயம் உண்டாக்கப்படும் அல்லது தீயிட்டுச் சொத்து அழிக்கப்படும் அல்லது மரண தண்டனை அல்லது ஆயுள்தண்டனை பெறத்தக்க குற்றம் புரியப்படும் என்று மிரட்டுவதாக இருப்பின், அந்த நபருக்கு ஏழு ஆண்டுகள் வரையில் சிறைக்காவல் அல்லது அபராதம் அல்லது இரண்டும் தண்டனையாக விதிக்கப்படும்.

**அத்தியாயம் - 23
(CHAPTER – 23)****குற்றம் செய்ய முயற்சித்தல்
14 of Attempts to Commit Offences**

பிரிவு – 511

குற்றம் செய்ய முயற்சித்தல்**Punishment for Attempting to Commit Offences Punishable with
Imprisonment or for the Imprisonment**

இந்தச்சட்டத் தொகுப்பின்படி, ஆயுள் தண்டனை பெறத்தக்க அல்லது சிறைத் தண்டனை பெறத்தக்க குற்றத்தைப் புரிவதற்கு அல்லது குற்றம் செய்வதற்கான ஏற்பாட்டுக்கு முயற்சி செய்தாலும் அத்தகைய முயற்சியின் விளைவாக அந்தக் குற்றம் புரிவதற்கான எந்த செயலை புரிந்தாலும் அத்தகைய குற்ற முயற்சிக்கு, இந்த சட்டத் தொகுப்பில் உரிய தண்டனை ஏதும் குறிப்பிடப்படவில்லையெனில், குற்றத்துக்கு ஆயுள் தண்டனை விதிக்கப்பட்டு இருந்தால் அதில் பாதியையும் அல்லது வேறு தண்டனை குறிப்பிடப்பட்டிருந்தால் குறிப்பிடப்பட்டுள்ள உச்சகட்டத் தண்டனையில் பாதியையும் அந்த குற்ற முயற்சிக்குத் தண்டனையாக விதிக்கப்படும் அபராதம் மற்றும் இரண்டும் தண்டனையாக விதிக்கப்படலாம்.

உதாரணம்:

அ) ஒருவருடைய பெட்டியில் உள்ள நகைகளைத் திருடுவதற்காக அந்த பெட்டியைத் திறக்கிறான். பெட்டியில் நகை ஏதும் இல்லை. திருடுவதற்காக என்று துவங்கி, அதற்கு உரிய செயல் ஒன்று புரியப்பட்டுள்ளதால், அந்த நபர் இந்தப் பிரிவின்படி குற்றவாளி ஆகிறான்.

ஆ) ஒருவருடைய சட்டைப்பையில் கையை விட்டுப் பணத்தை எடுக்க முயற்சி செய்யப்படுகின்றது. சட்டைப் பையில் ஒன்றும் கிடைக்கவில்லை, எனினும் பிறருடைய சட்டைப் பைக்குள் கையை விட்ட நபரை, இந்தப் பிரிவின்படி குற்றம் சாட்டித் தண்டிக்கலாம்.

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