

#

Extortion

→ 308

308(1)

→ Whoever intentionally puts any person in fear of any injury to that person, and dishonestly induces the person so put in fear to deliver to any person any property.



Illustration

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

→ A thus induces Z to give him money.

→ A has committed extortion.



(b) A threatens to B that we will confine your child till you not pay up us some money.

→ Here A committed extortion.



Ingredients

① put any person in fear.

② Dishonestly induces the person so put in fear to deliver to any person any property.



Puts any person in fear of injury :—

- For an offence under this Sanhita the extortion must put another person fear of injury.
- The fear must be of such a nature and extent as to unsettle the mind of the person.



Dishonestly induces the person to put in fear to deliver to any person any property :—

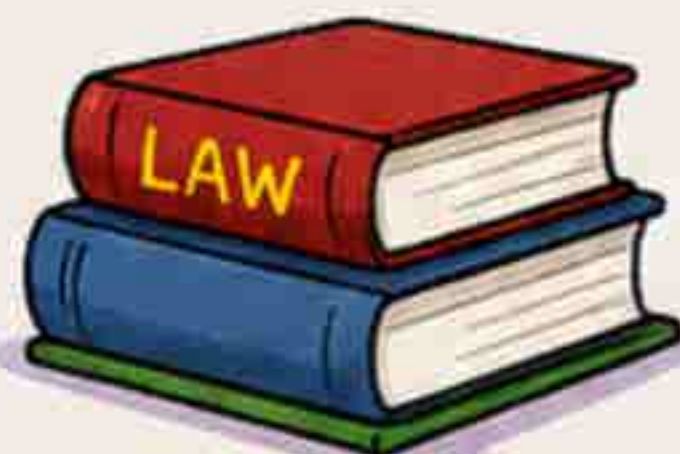
- The essence of this offence is dishonest inducement and obtaining delivery of property in consequence of such inducement.
- Therefore an intention to cause wrongful loss or gain is essential.



R.S. Nayak

v.

Antulay & another - 1986



- It was held for an offence of extortion that fears or threat must be used.

Ingredients

- ① Put any person in fear.
- ② Dishonestly induces the person so put in fear to deliver to any person any property.



Theft vs Extortion

Theft

- ① Movable property taken without consent of owner.
- ② Limited to movable property only.
- ③ Can be committed by one person.
- ④ No element of force or compulsion.
- ⑤ Element of fear is absent.
- ⑥ Fear is not an essential element.
- ⑦ No use of threats.

Extortion

- ① Consent obtained wrongfully by coercion.
- ② Can involve movable or immovable property.
- ③ Can be committed by one person or more person.
- ④ Involves force or compulsion.
- ⑤ Element of fear is present.
- ⑥ Fear is a crucial element.
- ⑦ Involves the use of threats.

* Sec-308(2) → Punishment

→ Seven years or fine or with both.

* Sec-308(3) →

→ Whoever committing extortion – punishment two years.

Robbery

→ 309

→ Section 309 of Bharatiya Nyaya Sanhita, 2023 define the term "Robbery". Theft in all Robbery cases is either Theft or Extortion.



→ Sec-309(2) — When theft is a Robbery — Theft is a Robbery if the order to the committing of the theft or carrying away or attempt to carry away any property obtained by theft.

The offender voluntarily causes to any person death or hurt or wrongful restraint.



Illustration

① A has asked B to hold down to Z, and fraudently take money and jewel from the Z cloth without Z's consent. Here, A committed theft in order to committing of the theft, A voluntarily caused wrongful restraint to Z. A here committed Robbery.



The essence of the offence of Robbery is the presence of imminent fear or violence.



* Theft is the Robbery

→ Theft is the Robbery in the following condition —

- ① death or hurt or wrongful restraint.
- ② Fear of instant death or instant hurt.



venu alias venugopal

v.

State of Karnataka 2008

→ In this case, the offender allegedly robbed gold and some value item from the victim with instant fear of knife. Here, the offender allegedly causes fear of knife. Hence, the offender allegedly caused fear to the victim, and sufficient evidence is there for committed Robbery.



* Section 309(3) — When ~~theft~~ is extortion is a Robbery :—

→ Extortion is Robbery if the following condition are satisfied :—

- (a) When a person commits extortion by putting another person in fear of instant death.



- (b) Such person by putting another + in fear.
- (c) The offender at the time of committing the extortion is in the presence of the person put in fear.

Illustration

- (d) A obtains property from Z by saying - your child is in the hand of my gang, and will put you to death unless you send us to 10 crore.

This is extortion.

but it is not Robbery, unless A is put in fear or instant death of his child.



Punishment - Section 309(4)

Commits robbery shall be punishable with rigorous imprisonment for term to 10 years, and shall also be liable to fine.



And if the Robbery committed on the high way bw Sunset and Sunrise, the imprisonment may be extended to 14 years.



ॐ Dacoity ॐ

Section 310 of Bharatiya Nyaya Sanhita 2023 define the term "Dacoity" which means Robbery committed by five or more persons is dacoity. Five or more persons either conjointly committed or attempt to Robbery.

→ Five or more person — Should be concerned in the commission of the offence and they should commit or attempt to commit robbery. For application of this Section it is necessary that all person should share the common intention of committing robbery.

Lachhman Ram
v.
State of Orissa 1955



→ In this case, held that in case of dacoity the number of person must be five or more, then it is held to be dacoity.

• Sec-310(2) – Punishment

Whoever commit dacoity shall be punished with the imprisonment for life or with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine.



• Section 310(3) If any one of five or more person, who are conjointly committing dacoity, everyone of those shall be punished.



Dishonest misappropriation of property

Robbery	Dacoity
① It includes <u>theft</u> and <u>Extortion</u>. * Sec-309 ② Minimum <u>one</u> person can also commit Robbery. ③ Punishment – rigorous imprisonment from <u>10 years</u> to <u>14 years</u>.	① It involves <u>Robbery</u>, hence consequently <u>theft</u> and <u>extor-tion</u> also involves. * Sec-310 ② Minimum <u>5</u> person is necessary. ③ Punishment – rigorous imprisonment from <u>10 yrs</u> to <u>life imprisonment</u>.

