BLOGS

IPC Notes- Introduction to Robbery

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Definition of Robbery

In all robberies, there is either theft or extortion. Robbery is a criminal offense defined in Section 390 of the Indian Penal Code (IPC). Robbery is committed when a person takes or attempts to take property from another person in the following ways, according to the IPC:

1. By using or threatening to use force.
2. By injuring the person or causing them to fear injury.
3. By attempting to kill or severely injure the person.
4. The property taken or attempted to be taken can be movable or immovable, and it must be taken with the intent of permanently depriving the owner.

Illustrations

It would be helpful to understand this with the help of an example. For instance, Shyam approaches Sita on a dark street at night, shows her a gun, pushes her and then steals her purse and jewellery. Here, all the above mentioned ingredients are fulfilled. There was threat of force (the gun), there was fear of injury (Sita was alone on the street and Shyam could have easily hurt her with the gun), there was an attempt to injure the person and a movable property (the purse) was taken away.

Another example could be as follows: Salman is a shopkeeper who is heading to the bank to deposit his salary. On the way, two men see him carrying the money and threaten him with a knife and ask him to hand over all of the money. Since Salman was on an empty street, he obliged due to fear of harm. After counting the money, the men got on a bike and left. Here, all the above mentioned elements are fulfilled, i.e., threat of force, threat of injury, attempt to injure the person and taking away the victim's movable property.

Assuming the value of the stolen money was significant, the two men might face up to ten years in prison and a fine under Section 392 of the IPC. If Salman was injured or wrongfully restrained during the robbery, they could face life imprisonment or a term of up to ten years in prison, as well as a fine.

Burden of proof

It should be noted that the prosecution would have to prove beyond a reasonable doubt that the two men committed robbery. This would require evidence proving both the theft and the use of criminal force, as well as the identity of the two men who committed the crime.

Punishment for robbery

Robbery is a serious criminal offence that is punishable by imprisonment for a term of up to ten years, as well as a fine. If a deadly weapon is used in the robbery, the punishment can be even harsher, including life imprisonment or the death penalty. The punishment for robbery is noted under Section 392 of the IPC.

Difference between theft and robbery

Theft and robbery are two separate criminal offences under the Indian Penal Code (IPC), with the key distinction being the use of force. The act of dishonestly taking someone else's property with the intent to permanently deprive them of it is defined as theft under Section 378 of the IPC. In other words, theft is defined as taking someone else's property without their permission and intending to keep it.

Robbery, on the other hand, is defined as the use of criminal force to commit theft under Section 390 of the IPC. This means that robbery entails taking someone else's property using force or the threat of force. In other words, robbery is a more serious crime than theft because it

involves the use of force, fear, or intimidation to obtain another person's property.

ROBBERY	DACOITY
The definition of robbery is given under section 390 of Indian penal code.	The definition of dacoity is given under Section 391 of Indian penal code.
Robbery is less serious in nature.	Dacoity is more severe in nature as the threat is more severe in nature.
Punishment is less severe than in case of dacoity.	Punishment is severe.
May be committed by a single person	Committed by a group of 5 or more people
Punishment is given under Section 392 of Indian Penal Code.	Punishment is given under Section 395 of Indian Penal Code.

To illustrate, stealing a mobile phone from an unattended bag would be considered theft under the IPC. However, if a person uses force to take someone's phone, this is considered robbery because force was used to commit the theft.

It is important to remember that in all robbery there is either theft or extortion. The aspect of extortion will be covered in the next post.

Landmark cases under Robbery

One of the landmark cases with respect to robbery is ***State of Maharashtra v Joseph Mingel***. One of the main issues in contention here was regarding when theft turns into robbery. The court ruled that it is necessary to prove all ingredients of theft under Section 378 need to be proved to establish a case of robbery. This further shows how Indian courts view robbery as an extended version of robbery.

In the case of ***Abdul Rashid v.Nausher Ali***, an armed group of people entered the plaintiff's field and started cutting the crops. On being asked to stop, they threatened the plaintiff. The Court held that this doesn't amount to robbery as the element of threat was missing.