

The Indian Penal Code 1860

Section 216 - HARBOURING OFFENDER WHO HAS ESCAPED FROM CUSTODY OR WHOSE APPREHENSION HAS BEEN ORDERED Whenever any person convicted

SECTION 216: HARBOURING OFFENDER WHO HAS ESCAPED FROM CUSTODY OR WHOSE APPREHENSION HAS BEEN ORDERED Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody: 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 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. "Offence" in this section includes also any act or omission of which a person is alleged to have been guilty out of India, which, if he had been guilty of it in India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in 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 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.