

The Indian Penal Code 1860

Section 390 - ROBBERY In all robbery there is either theft or extortion When theft is robbery : Theft is "robbery" if, in order to

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 roads, 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. COMMENTS Felonious taking of money, personal property, or any other article of value, in the possession of another, from his person or immediate presence and against his will, accomplished by means of fear or force. A person is guilty of robbery, if, in the course of committing a theft, he--(a) inflicts serious bodily injury upon another; (b) threatens another with or purposely puts him in fear of immediate serious bodily injury; (c) commits or threatens immediately to commit any felony of the first or second degree. Robbery is a special and aggravated form of either theft or extortion. The chief distinguishing element in robbery is the presence of imminent fear of violence. In order to make an offence of theft a robbery--there must be either theft and injury or threat of injury while committing theft--P. Mahapatra, 1983 Cri.LJ NOC 238.