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FOREST POLICY & LAW



THE INDIAN PENAL CODE (45 of 1860)



CHAPTER I - INTRODUCTION

1. Title and extent of operation of the Code —

This Act shall be called the Indian Penal Code, and shall extend to the whole of India 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 India.

3. Punishment of offences committed beyond but which by law may be tried within India —

Any person liable, by any Indian law to be tried for an offence committed beyond India shall be dealt with according to the provisions of this Code for any act committed beyond India in the same manner as if such act had been committed within India.

4. Extension of Code to extra-territorial offences —

The provisions of this Code apply also to any offence committed by—

- (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.

Explanation — In this section the word "**offence**" includes every act committed outside India, which, if committed in India, would be punishable under this Code.

CHAPTER II - GENERAL EXPLANATIONS

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.

14. "Servant of Government" —

The words "**servant of Government**" denote any officer or servant continued, appointed or employed in India or under the authority of Government.

17. "Government" —

The word "**Government**" denotes the Central Government or the Government of a State.

19. "Judge" —

The word "**Judge**" denotes not only every person who is officially designated as a Judge, but also every person who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which is confirmed by some other authority, would be definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

20. "Court of Justice" —

The words "**Court of Justice**" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

21. "Public Servant" —

The words "**public servant**" denote a person falling under any of the descriptions hereinafter following; namely: —

Third — Every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;

Seventh — Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eighth — Every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Ninth — Every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government ;

- (a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;
- (b) in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).

22. "Movable property" —

The words "**movable property**" are intended to include corporeal property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth.

23. "Wrongful gain" —

"Wrongful gain" is gain by unlawful means of property, which the person gaining is not legally entitled.

"Wrongful loss" —

"Wrongful loss" is the loss by unlawful means of property to which the person losing it is legally entitled.

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.

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.

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.

40. "Offence" —

Except in the Chapters and sections mentioned in clauses 2 and 3 of this section, the word "**offence**" denotes a thing made punishable by this Code.

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 India.

45. "Life" —

The word "**life**" denotes the life 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.

52. "Good faith" —

Nothing is said to be done or believed in "**good faith**" which is done or believed without due care and attention.

CHAPTER III - OF PUNISHMENTS

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

First — Death;

Secondly — Imprisonment for life;

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

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

(2) Simple;

Fifthly — Forfeiture of property;

Sixthly — Fine.

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.

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.

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.

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.

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 the 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.

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.

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.

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.
- **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.
- **Explanation 4** — The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

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.

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
- (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.

120B. Punishment of criminal conspiracy —

- (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, 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 VIII - OF 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, 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.

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.*

CHAPTER X - OF CONTEMPTS OF THE LAWFUL AUTHORITY OF 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 produce a document 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.*

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, 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;*

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.*

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 of 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.*

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.*

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.

193. Punishment for false evidence —

Whoever intentionally gives false evidence in any stage 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.

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 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 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.

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 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.

"**Offence**" in this section includes any act committed at any place out of India, which, if committed in 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 India.

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

CHAPTER XVII - OF OFFENCES AGAINST PROPERTY

378. Theft —

Whoever, intending to take dishonestly any moveable 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.

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.

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.

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**".

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.

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 criminal breach of trust has been committed, is designed as "**stolen property**", whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without 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.

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 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.

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**".

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

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

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".

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, with fine or which may extend to five hundred rupees, or with both.