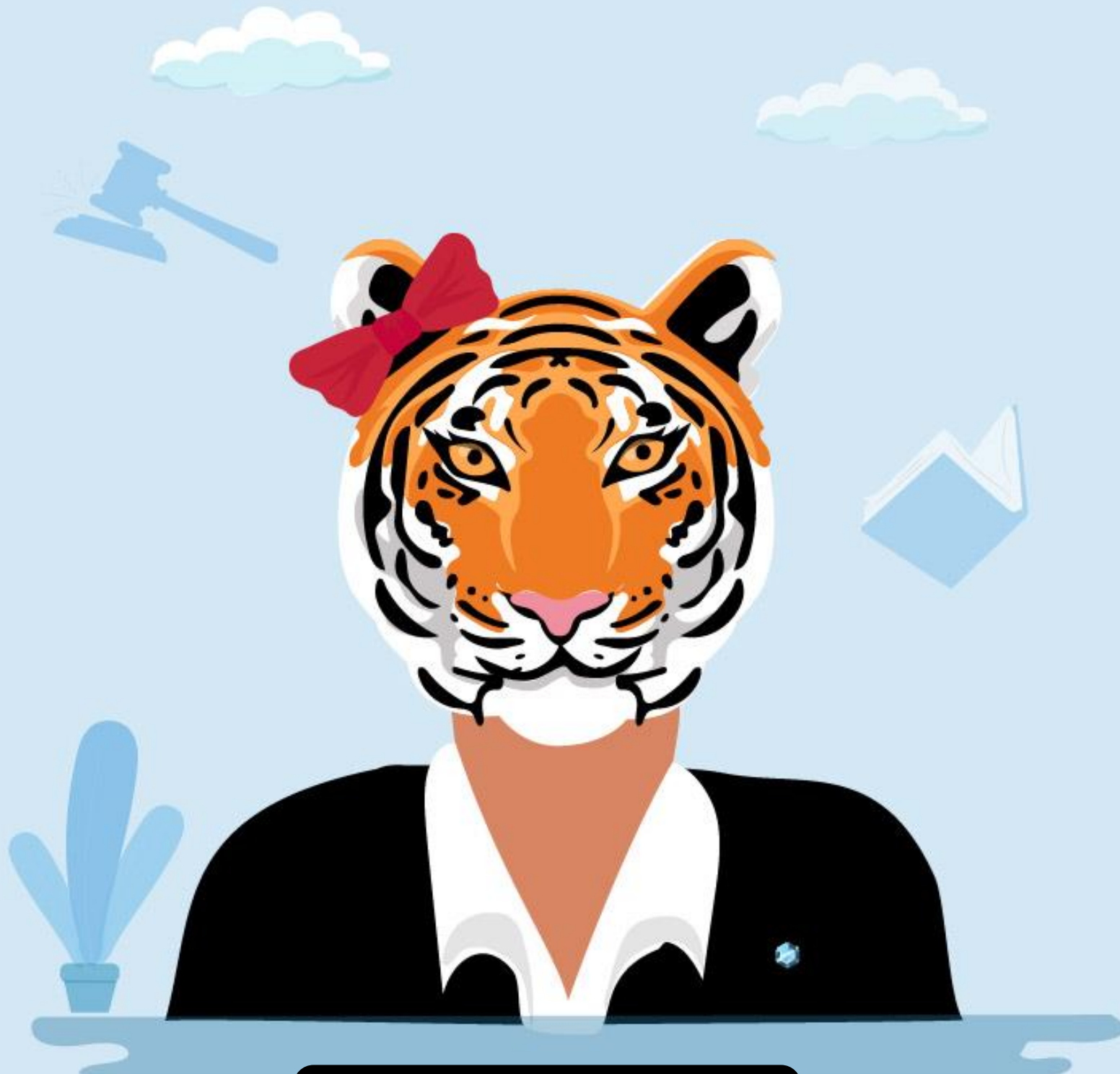


Bare Act Revolution



DACOITY

Section 391

Dacoity



Bare Act Revolution

Section 391

IPC

Dacoity

- When **five or more persons conjointly** commit or attempt to **commit a robbery**, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit **dacoity**.



Next
page...

Section 391

IPC

Dacoity

There's wedding going on. We must go over there and become RICHH 🤩

Ok, Let's go!



Give us all the JEWELLERY.



Next page...

Section 391

IPC

Dacoity



Next page...

Section 391

IPC

Dacoity



Next page...

Section 391

IPC

Dacoity

- For **dacoity** the total number of people are **5 or more**.



Next page...

Section 391

IPC

Dacoity



Is this Robbery or Dacoity?

- In the present case, total number of offenders is 5 i.e. 3 are robbing the bank and 2 are aiding the offenders to flee.
- Hence, the same amounts to dacoity as 5 or more people are **committing, attempting or aiding** robbery.

Quick Recap



- Robbery is an aggravated form of extortion or theft – S. 390
- With an element of fear of instant death or instant hurt or instant wrongful restraint.

Word of the day

Aiding = Helping



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Section 378

Theft

Definition

- Dishonest intention.
- Movable Property.
- Out of possession.
- Without consent.
- Moves that property.

Section 383

Extortion

- Dishonest intention.
- Putting any person into fear.
- Fear of injury to the person so put into fear or any other person.
- Dishonest inducement.
- To deliver.
- Any property (Movable or immovable) or valuable security (S.30) or anything signed or sealed which may be converted into valuable security.

Section 390

Robbery

- Theft + 2 more conditions -
- Voluntarily causing death or hurt or wrongful restraint.
- Fear of instant death or hurt or wrongful restraint.
- Extortion + 3 more conditions -
- Presence of offender.
- Fear of instant death or instant hurt or instant wrongful restraint person.
- Then and there delivery.

Section 391

Dacoity

- 5 or more person.
- Committing robbery.
- Including person present & aiding.

Section 378

Theft

Punishment

- S.379
Imprisonment up to 3 years or fine or both.

Case Law

- K. N. Mehra v. The State Of Rajasthan. (1957 AIR 369)
- A temporary retention of property by a person wrongfully gaining thereby is also theft.

Section 383

Extortion

- S. 384
Imprisonment up to 3 years or fine or both.

- Jadunandan Singh v. Emperor. (AIR 1941 PAT. 129)
- Thumb impression on paper was given unwillingly due to presence of fear of injury.

Section 390

Robbery

- S. 392
- RI up to 10 years +fine.
- Highway Robbery -B/w sunrise & sunset: Up to 14 years.

- Phool Kumar v. Delhi Admn. (1975 1 SCC 797)
- Aggravated robbery: it was held that a person who uses the deadly weapon can only be convicted under Section 397 IPC.

Section 391

Dacoity

- S. 395
- Imprisonment for life or Rigorous Imprisonment up to 10 years and fine.

- Shyam Behari v. State of UP. (AIR 1957 SC 320)
- The transaction of dacoity had ended the moment the dacoits took to their heels.

Section 378

Theft

Category

Consent

- W/o Consent

Property

- Can be only with respect to movable property.
- Not with respect to immovable property like land

No. of Offenders

- Can be by one person

Section 383

Extortion

- Consent is wrongfully obtained

- Can be with respect to both immovable & movable

- Can be by one person

Section 390

Robbery

- Aggravated form of theft and extortion

- Can be with respect to immovable property if it is a form of extortion and not otherwise.

- Can be by one person

Section 391

Dacoity

- There is either no consent or obtained wrongfully

- Can be with respect to immovable property if it is a form of extortion and not otherwise.

- Requires 5 or more person - present or aiding

Section 378

Theft

Force

- No force

Whether there is delivery by victim

- No

Element of fear

- No fear

Section 383

Extortion

- Intention of putting force.
- Fear of injury to that person or person they are interested in.

- Yes

- Fear of injury

Section 390

Robbery

- Force is accordingly, whether it's theft or extortion.

- No, if theft.
Yes, if extortion

- Fear of death, hurt or wrongful restraint or
- Fear of instant death, instant hurt or instant wrongful restraint

Section 391

Dacoity

- Force is accordingly, whether it's theft or extortion.

- No, if theft.
Yes, if extortion

- Fear of death, hurt or wrongful restraint or
- Fear of instant death, instant hurt or instant wrongful restraint

Section 378**Category****Theft****Extra Info**

- Person may commit theft of his own property if it is not in his possession.
- Because for theft possession is required & not ownership.
- Refer: Illustration j S. 378

Section 383**Extortion**

- The delivery of the property by the person threatened is necessary.
- The offence of extortion is not complete until delivery of the property by the person put in fear is done.

Section 390**Robbery**

- The expression "for that end" implies that death, hurt, or wrongful restraint or an instant fear of them is caused directly to complete the act of theft or carrying away the property.

Section 391**Dacoity**

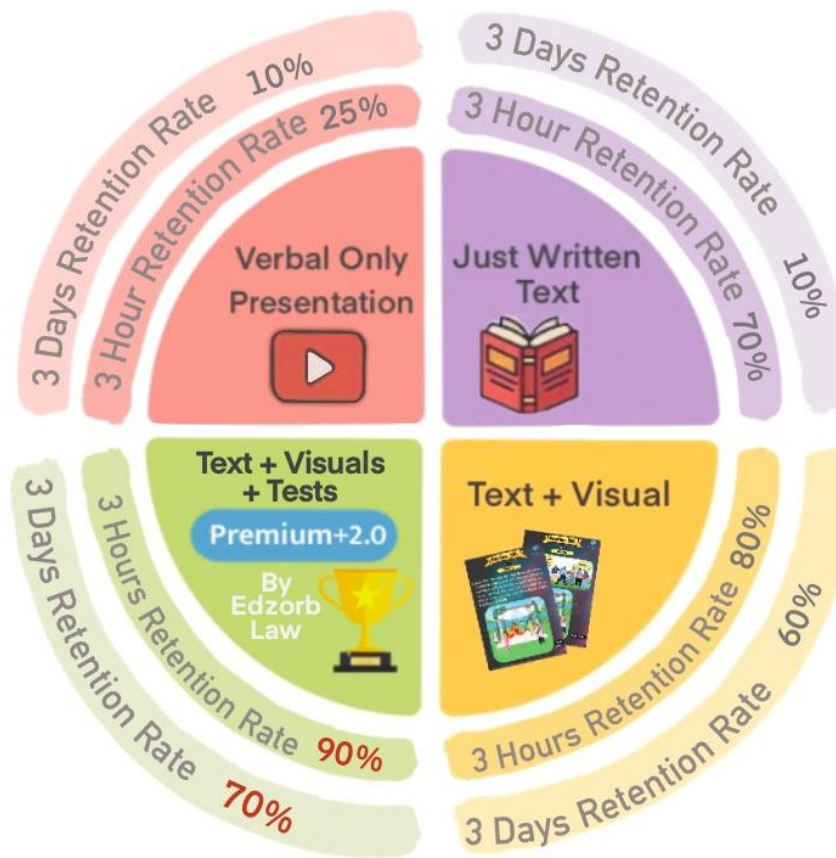
- On 19 March 1987, a group posing as Central Bureau of Investigation.
- Officers executed a fake income tax investigation raid on the Opera House branch of Tribhovandas Bhimji Zaveri & Sons Jewellers.
- The movie **special 26** is based on this heist.



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Previous Year Prelims Questions

Q.1) Which of the following cases amounts to dacoity ?

- a) When five or more persons conjointly commit or attempt to commit a robbery
- b) Where the whole number of persons conjointly committing or attempting to commit a robbery, amount to five or more.
- c) Persons present and aiding such commission or attempt, amount to five or more
- d) All of the above

Ans: - D

Q.2) The charge is that more than 13 persons were participated in a dacoity and only seven persons were identified and tried before the trial court. The trial court acquitted three of them for want of identity and remaining four were convicted for dacoity can be committed by five or more persons only. Decide

- a) Conviction is proper
- b) Conviction is not proper



c) Conviction is illegal

d) None of the above

Ans: - A

Q.3) It was alleged that A and Balong with C, D and E had robbed X of his wrist watch and 10 currency notes of Rs. 100/- on 10 April 1977 at 5.00 P.M., while X was standing in front of his shop. All the 5 accused came there in a car and after committing the dacoity ran away in that car. C, D and E were acquitted for want of evidence. A and B were convicted for dacoity. The conviction is

a) Legal

b) Illegal

c) Improper

d) Irregular

Ans: - B



Q.4) Ordinarily preparation to commit an offence is not punishable, But preparation to commit is punishable under section 399 of the Indian Penal Code.

- a) Robbery
- b) Dacoity
- c) Extortion
- d) All of the above

Ans: - B

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Previous Year Questions

Q.1) Explain the difference between Robbery & Dacoity.
[RJS 1976, 1986, DJS 2008, UPJS 2013]

Q.2) Differentiate between Extortion and Dacoity. [HPJS 2018]

Q.3) It is said that in every robbery or dacoity either there is theft or extortion. Explain with the help of cases and illustrations. [UPJS 1999]



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must withstand the test

Article 19(1)(a). Freedom of press means
There can be no relationship in the press.
public articles or matters of public interest
to exercise the right of the
however, restrictions can be imposed on the
but those restrictions must stand the test of
democratic organisation
In *Bennett Case*, the Union of
India (1972), the Supreme Court
the freedom of the press embodies the right of the

Ques 1

* Rule of
Convenience
* maxim
vigilantibus
non
dormientibus
jura subvertunt

Sec 21 (1), of Code of Civil procedure provides that, no objection as to place of suing will be allowed by an appellate or revisional court unless following conditions are satisfied:

Court of first Instance

1. The objection was taken at first instance in court
2. It was taken at earliest possible opportunity and in cases where issues are settled at or before settlement of issues; and
3. There has been consequent failure of justice

Ques 2.

* provision
rising
Art. 16, 335,
338, 340,
341 & 342

Reservation of posts in government services is a broad and infamous subject. The basis of reservation was always to bring every class of people on equal footing majorly on financial and social aspects. So the basis and limit of reservation should still be the financial status as discrimination on caste and class level has been decreased but financial gap has been increased from past recent years.

* Indira Sawhney case
* Balaji vs State of Mysore
9

Ques 3

No, a remand order cannot confer jurisdiction on the subordinate court when such court originally do not have such power. It is settled principle that no appellate court can confer jurisdiction on a subordinate court, however high appellate court may be as, jurisdiction of a court is determined by statute. In case of Venkatarama & Angathayammal it is held that

(1)

an appellate court remanding a case to an inferior court cannot confer jurisdiction on court if it inherently lacked the same.

Ques 4

A suit is of civil nature if the principal question therein relates to the determination of a civil right and its enforcement.

It is subject matter of suit which determines whether it is suit of civil nature or not.

In a suit in which right to property or to an office is contested whether it is of civil nature or not, what needs to be determined is whether it entirely depends on religious rites or ceremonies or not?

If its decision does not entirely depend on religious rites or ceremonies it is a suit of civil nature.

(i) Right to take out religious procession is a suit of civil nature

(ii) Right of Pandanashen lady to observe parda is a suit of civil nature

(iii) Right to franchise is a suit of civil nature

11/5
3

Ques 5

Doctrine of res judicata applies between co-defendant only if plaintiff claimed any relief and he cannot get his relief without trying and deciding a case between the co-defendants. However it has been stated that requisite conditions should be fulfilled to apply principle of res judicata as between defendant and that are:

Start with Sec 9 of CPC along with explanation
Meaning of Civil Suit
Kehar Singh
Custodian
General
Shankar Narayan
Potti
K. Sreedevi

Provision
Maxim



- 1) There must be conflict of interest between the defendants concerned
- 2) it must be necessary to decide the conflict in order to give the reliefs which plaintiff claims.
- 3) the question between plaintiff the defendants must have been finally decided.
- 4) the co-defendants were necessary or proper party in former suit. (Joindammal by LR is Vaidgarathan)

Section 10 CPC



Res subjudice



- A suit which is pending in a competent court
- In res subjudice, case is pending in court
- subsequent suit on same subject matter is stayed.
- Objective is prohibition of concurrent justice

Res judicata

- In this suit is finally heard & decided which cannot be presented further as a suit
- Object is to prohibit multiplicity of litigation
- It is result of judgment of court

- Its object is to protect right of such person who acts in good faith
- It is based on act of parties

→ Sec 115 IEA
→ Pickard vs Sears

Res Estoppel

- In this a person cannot be allowed to change his position if he makes another to believe in good faith -

* Sec 11 CPC

Maxims & Nemo debet bis vexari
Pro Una Et Eadem Causa

Marohar Lal vs Seth Hiralal



Ques 24 (a) Right of private defence of property extend to causing of death

Such right of private defence of property extending to cause death is dealt under Sec 103 of Indian Penal Code. It permits a person to extend its right of private defence to cause death only under certain circumstances as mentioned under the provision of the Code. Such circumstances are

1. When robbery is committed

2. When offence of housebreaking by night is committed

3. When mischief by fire is committed on any building, tent or vessel, which is used as human dwelling or as a place for the custody of property

4. If when theft, mischief or house trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be consequence, if such right of private defence is not exercised.

This right commences as soon as a reasonable apprehension of danger to body arises from an attempt, or threat to commit offence, although offence may not have committed but not until there is that reasonable apprehension. The right lasts as long as reasonable apprehension exist

Amma Martin v State of Kerala



S. 104
P. S. 103
should also
be mentioned

* Case law
without
principal
useless
(S. 105)

(b) Police officer's report after completing investigation

Police Off Officers submit its report after completing investigation under sec 173 of Code of Criminal proceeding. Procedure Code

It is stated that every investigation should be completed without unnecessary delay. In case investigation relates to an offence under sec 376, 376 A, 376 B, 376 AB, 376 C, 376 D, 376 DD or 376 E of Indian Penal Code it ~~shall~~ should be completed within 2 months which shall be calculated from date of information was recorded by officer in charge of police station.

Such report shall be forwarded from officer in charge of police station to Magistrate empowered to take cognizance of offence under sec 173(2) of IPC.

Such report shall be in format or form as prescribed by state government. shall

It will contain following details

1. Nature of information
2. Name of the parties
3. Name of person acquainted with case
4. Offence which appears to have been committed?
5. If ~~case~~ so, by whom
6. Whether accused has been arrested
7. Whether released on bond or sureties
8. Whether he has been forwarded in custody under sec 170
9. Medical report of a woman.

Remarks:-



- ① Answer not in Answer format rather on notes format.
- ② Don't copy things from Internet.
The Answer on Internal & External aid was exact copy.
- ③ Missed out on lot of Questions.
- ④ Next time copies won't be evaluated if they are not in Answer format.
- ⑤ Always mention the section no. on top & not at last.





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