



Extortion under IPC 1860

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Introduction -

In Extortion, victim is forced or induced to deliver the property, which can be movable or immovable property, to the offender or any other person. Here, the consent of the victim is obtained in fear of injury. And, here, element of force is present.

Definition -

Extortion is defined under section 383 of the Indian penal code, 1860. This section says that the offender must intentionally puts any person, in fear of any injury, this fear of injury to that person or any other person. The offender must thereby intentionally puts any person in fear of any injury dishonestly and the offender must induced the victim - to deliver any property or valuable security or anything signed or sealed which may be converted into valuable security. In Extortion, it is not clearly defined that what consists of valuable security - which means it may be movable or immovable property. Now the question arises that what may be converted into valuable security? Taking signatures of any particular person on a blank paper, is known as an incomplete deeds. If any person used to take signatures of any particular person on a blank paper I.e. -"incomplete deed" and then, after that, if such a person writes something particular on that paper, like - "A" is transferring his property in favour of

"B". Then, in such type of cases, incomplete deeds can be converted into "valuable security". In Extortion, the offender dishonestly, induced the victim to give the property, that can be valuable security or incomplete deeds or movable or immovable property, etc., to any person - that can be a giver of the threat or receiver of the property. It may be same or different person. Two persons must be there in extortion that are - offender and the victim. The word Injury - is defined under section 44 of the Indian penal code, 1860. Injury means any harm, caused to any person in body, mind, reputation or property. In Extortion, the term "Injury" is used in the broader sense, here, it includes injury of body, mind, reputation or property, as compared to section 299, and section 300 of the Indian penal code, 1860. In section 299 of the Indian penal code, I.e. of culpable homicide and in section 300 of the Indian penal code I.e. of murder, the term "injury" means "injury of the body".

Here, in section 44 of this code, any harm must be caused illegally. Section 30 of the Indian penal code, 1860, says that any document which creates any legal right of any particular person, is known as a "valuable security". This document can be already created or going to be or proposed to be created. This document can create, restrict or extend the legal right of any person or can create liability of any person, etc.

Case 1- Labhshankar vs. State of Saurashtra, AIR 1955 sau 42 and in Vena Ram vs. State of Raj. 2002 WLC (Raj.) 291, it was held that charge under Section 384 IPC, is not sustainable if the property is not delivered by the person extorted.



Case 2- Venkatappa vs. Jalayya, AIR(6) 1919 Mad 954, the accused, who was the proprietor of a certain estate, stopped complainant, a cooly, whom he suspected of smuggling Arrack from the Nizam's Dominions into British Territory, on the way... threatened to report the matter to the police unless he paid something. He was charged with... threat of injury to commit extortion...& was sentenced to a...fine... Held...that the conviction under Section 385 was bad, as complainant was not put in fear of any injury within the meaning of Section 44, Penal Code and the accused only threatened to do what he was bound by law to do.

Case 3 - Biram Lal vs. State, RLW 2007(1) Raj.713, it was held that in order to complete the act of extortion the person who was put in fear, must have been induced to deliver the property. If the act of inducement caused by the wrong doer should bring forth its result at least by the victim consenting to deliver property even if actual delivery does not take place due to any fortuitous circumstances which would constitute extortion, but if it fails to produce the requisite effect, the act would remain only at the stage of attempt to commit extortion. In the instant case, even if the offence of extortion is held to be not made out for want of delivery of the property at least, the offence of attempt to commit extortion is clearly made out.

Case 4 - A.R Antulay vs. R.S. Nayak, AIR 1986 SC 2045, the accused was Chief Minister at the relevant time and the Sugar Co-operatives had some of the grievances pending consideration before the

Government. The pressure was brought about on the Sugar Co-operatives to make the donations with a promise that their grievances shall be consider. Held, that the ingredients of the offence of extortion not made out. There was no evidence at all that the management of the Sugar Co-operatives had been put in any fear and the contributions had been paid in response to threat.

Legal Provisions for Extortion-

For attempt to extortion , there are separate sections that are - section 385,387 and 389 . And, the offences , for which there are no separate sections provided for their attempt that offences are covered under the section 511 of the Indian penal code , 1860 . Like -for attempt to theft , there is section 511 of the Indian penal code , 1860 . Punishments in case of Extortion are as follows -

1. Section 384 of the Indian penal code , 1860 , provided that for committing the offence of extortion , there is an imprisonment which may extends to the period of 3 years or fine or both .
2. Section 385 of the Indian penal code , 1860, provided that if the extortion has not been committed but, there is an attempt to extortion then , there is an imprisonment which may extends to the period of 2 years or fine or both .
3. Section 386 of the Indian penal code, 1860, provided that if the Extortion commits by putting a person in fear of death or grievous hurt then, there is an imprisonment of 10 years and fine .
4. Section 387 of the Indian penal code , 1860, provided that if the extortion has not been committed ,but, there is an attempt to extortion by putting the person in fear of



death or greivious hurt , then , there is an imprisonment of 7 years and fine . There is an attempt to do the extortion .

5.Section 388 of the Indian Penal Code 1860, provided that Extortion commits by putting a person in fear of acquisition against that person or any other , of having committed or attempted to any offence punishable with death or life imprisonment or imprisonment which extend to 10 years or Extortion committed or having attempted to induce any other person to commit such offence then, there is a punishment for 10 years and fine or there is an acquisition for an offence , If the offence punishable under section 377 then, there is punishment for Life imprisonment .

Conclusion -

In Extortion , victim is forced or induced to deliver the property , which can be movable or immovable property , to the offender or any other person . Here, consent of the victim is obtained in fear of injury .

