Indian Penal Code (IPC, Hindi: भारतीय दण्ड संहिता) is the main criminal code of India. It was drafted in 1860. In the state of Jammu and Kashmir, the IPC is known as Ranbir Penal Code (RPC). After independence, Indian Penal Code was inherited by Pakistan (now called Pakistan Penal Code) and Bangladesh, formerly part of British India. It was also adopted wholesale by the British colonial authorities in Burma, Sri Lanka, Malaysia, Singapore and Brunei, and remains the basis of the criminal codes in those countries ~ Wikipedia.

Contents:
1 Overview of IPC 1860
2 Details of Indian Penal Code Sections

CHAPTER I
INTRODUCTION

Preamble - Whereas it is expedient to provide a general Penal Code for [India]; It is enacted as follows :

LEGISLATIVE HISTORY:

Repealing Act, 1870 (14 of 1870)
Indian Penal Code Amendment Act, 1870 (27 of 1870)
Indian Penal Code Amendment Act, 1872 (19 of 1872)
Indian Oaths Act, 1873 (10 of 1873)
Indian Penal Code Amendment Act, 1882 (8 of 1882)
Code of Criminal Procedure, 1882 (10 of 1882)
Indian Criminal Law Amendment Act, 1886 (10 of 1886)
Indian Marine Act, 1887 (14 of 1887)
Metal Tokens Act, 1889 (1 of 1889)
Indian Merchandise Marks Act, 1889 (4 of 1889)
Cantonments Act, 1889 (13 of 1889)
Indian Railways Act, 1890 (9 of 1890)
Indian Criminal Law Amendment Act, 1891 (10 of 1891)
Amending Act, 1891 (12 of 1891)
Indian Criminal Law Amendment Act, 1894 (3 of 1894)
Indian Criminal Law Amendment Act, 1895 (3 of 1895)
Indian Penal Code Amendment Act, 1896 (6 of 1896)
Indian Penal Code Amendment Act, 1898 (4 of 1898)
Currency-Notes Forgery Act, 1899 (12 of 1899)
Indian Penal Code Amendment Act, 1910 (3 of 1910)
Indian Criminal Law Amendment Act, 1913 (8 of 1913)
Indian Elections Offences and Inquiries Act, 1920 (39 of 1920)
Indian Penal Code (Amendment) Act, 1921 (16 of 1921)
Indian Penal Code (Amendment) Act, 1923 (20 of 1923)
Indian Penal Code (Amendment) Act, 1924 (5 of 1924)
Indian Criminal Law Amendment Act, 1924 (18 of 1924)
Workmen's Breach of Contract (Repealing) Act, 1925 (3 of 1925)
Obscene Publications Act, 1925 (8 of 1925)
Indian Penal Code (Amendment) Act, 1925 (29 of 1925)
Repealing and Amending Act, 1927 (10 of 1927)
Criminal Law Amendment Act, 1927 (25 of 1927)
Repealing and Amending Act, 1930 (8 of 1930)
Indian Air Force Act, 1932 (14 of 1932)
Amending Act, 1934 (35 of 1934)
Government of India (Adaptation of Indian Laws) Order, 1937
Criminal Law Amendment Act, 1939 (22 of 1939)
Offences on Ships and Aircrafts Act, 1940 (4 of 1940)
Indian Merchandise Marks (Amendment) Act, 1941 (2 of 1941)
Indian Penal Code (Amendment) Act, 1942 (8 of 1942)
Indian Penal Code (Amendment) Act, 1943 (6 of 1943)
Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948
Criminal Law (Removal of Racial Discriminations) Act, 1949 (17 of 1949)
Indian Penal Code and the Code of Criminal Procedure (Amendment) Act, 1949 (42 of 1949)
Adaptation of Laws Order, 1950
Repealing and Amending Act, 1950 (35 of 1950)
Part B States (Laws) Act, 1951 (3 of 1951)
Criminal Law Amendment Act, 1952 (46 of 1952)
Repealing and Amending Act, 1952 (48 of 1952)
Repealing and Amending Act, 1953 (42 of 1953)
Code of Criminal Procedure (Amendment) Act, 1955 (26 of 1955)
Adaptation of Laws (No. 2) Order, 1956
Repealing and Amending Act, 1957 (36 of 1957)
Criminal Law Amendment Act, 1958 (2 of 1958)
Trade and Merchandise Marks Act, 1958 (43 of 1958)
Indian Penal Code (Amendment) Act, 1959 (52 of 1959)
Indian Penal Code (Amendment) Act, 1961 (41 of 1961)
Anti-Corruption Laws (Amendment) Act, 1964 (40 of 1964)
Criminal and Election Laws Amendment Act, 1969 (35 of 1969)
Indian Penal Code (Amendment) Act, 1969 (36 of 1969)
Criminal Law (Amendment) Act, 1972 (31 of 1972)
Employees' Provident Funds and Family Pension Fund (Amendment) Act, 1973 (40 of 1973)
Employees' State Insurance (Amendment) Act, 1975 (38 of 1975)
Election Laws (Amendment) Act, 1975 (40 of 1975)
Criminal Law (Amendment) Act, 1983 (43 of 1983)
Criminal Law (Second Amendment) Act, 1983 (46 of 1983)
Dowry Prohibition (Amendment) Act, 1986 (43 of 1986)
Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1988 (33 of 1988)
Criminal Law (Amendment) Act, 1993 (42 of 1993)
Indian Penal Code (Amendment) Act, 1995 (24 of 1995)
Information Technology Act, 2000 (21 of 2000)
Criminal Law (Amendment) Act, 2005 (2 of 2006)
Information Technology (Amendment) Act, 2008 (10 of 2009)

FACT SHEET:

The Indian Penal Code has been extended to Berar by the Berar Laws Act, 1941 (4 of 1941) and has been declared in force in- Sonthal Parganas, by the Sonthal Parganas Settlement Regulation, 1872 (3 of 1872), Section 2; Panth Piploda Laws Regulation, 1929 (1 of 1929), Section 2 and Sch.; Khondmals District, by the Khondmals Laws Regulation, 1936 (4 of 1936), Section 3 and Sch.; and Angul District by the Angul Laws Regulation, 1936 (5 of 1936), Section 3 and Sch.

It has been declared under Section 3(a) of the Scheduled Districts Act, 1874 (14 of 1874), to be force in the following Scheduled Districts, namely: the United Provinces Tarai Districts, see Gazette of India, 1876, Pt.I,
p.505; the Districts of Hazaribagh, Lohardaga (now called the Ranchi District, see clacutta Gazette, 1899, Pt.I, pl44) and Manbhum and Pargana; Dhalbhum and the Kolhan in the District of Singhbhum, see Gazette of India, 1881, Pt.I, p.504.

It has been extended under Section 5 of the same Act to the Lushai Hills, see Gazette of India, 1898, Pt.II, p.345.

The Act has been extended to Goa, Daman and Diu by Regn. 12 of 1962, Section 3 and Sch.; to Dadra and Nagar Haveli by Regn. 6 of 1963, Section 2 and sch.I; to Pondicherry by Regn.7 of 1963, Section 3 and Sch.I and to Laccadive, Minicoya dn Amindivi Islands by Regn. 8 of 1965, Section 3 and Sch.

It has been extended to the State of Sikkim w.e.f. 13.9.1994 vide Notification No. S.O. 516 (E), dated 9th July, 1994.

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;]

   [(3) Any person in any palce without and beyond India committing offence targeting a computer resource located in India.]

   [Explanation. In this section -

   (a) the word "offence" includes every act committed outside India which, if committed in India, would be punishable under this Code;

   (b) the expression "computer resource" shall have the meaning assigned to it in clause (k) of sub-section (1) of Section 2 of the Information Technology Act, 2000(21 of 2000)].

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

   [Illustration]
A, who is a citizen of India, commits a murder in Uganda. He can be tried and convicted of murder in any place in India in which he may be found.

5. Certain laws not to be affected by this Act:

Nothing in this Act shall affect the provisions of any Act for punishing mutiny and desertion of officers, soldiers, sailors or airmen in the service of the Government of India or the provisions of any special or local law.

CHAPTER II
GENERAL EXPLANATIONS

6. Definitions in the Code to be understood subject to exceptions:

Throughout this Code every definition of an offence, every penal provision, and every illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled "General Exceptions", though those exceptions are not repeated in such definition, penal provision, or illustration.

Illustrations

(a) The sections, in this Code, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a police-officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it."

7. Sense of expression once explained:

Every expression which is explained in any part of this Code, is used in every part of this Code in conformity with the explanation.

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.

12. "Public":

The word "public" includes any class of the public or any community.

13. Definition of "Queen":

Repealed by the A.O. 1950.


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

15. Definition of "British India":

Repealed by the A.O. 1937.

16. Definition of "Government of India":

Repealed by the A.O. 1937.

17. "Government":

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

18."India":

"India" means the territory of India excluding the State of Jammu and Kashmir.

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 definite, or a judgment which, if 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.

Illustrations

(a) A Collector exercising jurisdiction in a suit under Act 10 of 1859, is a Judge.

(b) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a Judge.

(c) A member of a panchayat which has power, under Regulation VII, 1816, of the Madras Code, to try and determine suits, is a Judge.

(d) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial
to another Court, is not a Judge.

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.

Illustration

A panchayat acting under Regulation VII, 1816, of the Madras Code, having power to try and determine suits, is a Court of Justice.

21. "Public servant":

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

[Naval or Air] Forces [of India];

[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;]

Fourth. - Every officer of a Court of Justice [(including a liquidator, receiver or commissioner)] whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties;

Fifth. - Every jury man, assessor, or member of a panchayat assisting a Court of Justice or public servant;

Sixth. - Every arbitrator or other person to whom, any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

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];

Tenth. - Every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

[Eleventh. - Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;]
Twelfth. - Every person -

(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).

Illustration

A Municipal Commissioner is a public servant.

Explanation 1. - Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2. - Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

[Explanation 3. - The word "election" denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election.]

STATE AMENDMENTS:

RAJASTHAN. - In Section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860), in its application to the State of Rajasthan, after clause twelfth, the following new clause shall be added, namely:

"Thirteenth. - Every person employed or engaged by any public body in the conduct and supervision of any examination recognised or approved under any law.

Explanation. - The expression 'Public Body' includes -

(a) a University, Board of Education or other body, either established by or under a Central or State Act or under the provisions of the Constitution of India or constituted by the Government; and

(b) a local authority." [Vide Rajasthan Act, 4 of 1993 Sec. 2 w.e.f. 11.2.1993]

22. "Movable property":

The words "moveable 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 the 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.

Explanation. - A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this section.

28. "Counterfeit":

A person is said to "counterfeit" who causes one thing to resemble another thing, intending by means of that resemblance to practice deception, or knowing it to be likely that deception will thereby be practised.

[Explanation 1. - It is not essential to counterfeiting that the imitation should be exact.

Explanation 2. - When a person causes one thing to resemble another thing, and the resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the one thing to resemble the other thing intended by means of that resemblance to practice deception or knew it to be likely that deception would 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.

Explanation 1. - It is immaterial by what means or upon what substance the letters, figures or marks are formed, or whether the evidence is intended for, or may be used in, a Court of Justice, or not.

Illustrations

A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.

A cheque upon a banker is a document.

A power-of-attorney is a document.

A man or plan which is intended to be used or which may be used as evidence, is a document.

A writing containing directions or instructions is a document.

Explanation 2. - Whatever is expressed by means of letters, figures or marks as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this
section, although the same may not be actually expressed.

Illustration

A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words "pay to the holder" or words to that effect had been written over the signature.

[29-A. "Electronic record. - The word "electronic record" shall have the meaning assigned to them in clause (s) of sub-section (1) of section 2 of the Information Technology Act, 2000.]

30. "Valuable security":

The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security".

31. "A will":

The words "a will" denote any testamentary document.

32. Words referring to acts include illegal omissions:

In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

33. "Act"/"Omission":

The word "act" denotes as well a series of acts as a single act; the word "omission" denotes as well a series of omissions as a single omission.

34. Acts done by several persons in furtherance of common intention:

When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.]

35. When such an act is criminal by reason of its being done with a criminal knowledge or intention:

Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

36. Effect caused partly by act and partly by omission:

Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission,
is an offence, it is to be understood that the causing of that effect partly by an act and partly by an
omission is the same offence.

Illustration
A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has
committed murder.

37. Co-operation by doing one of several acts constituting an offence:

When an offence is committed by means of several acts, whoever intentionally co-operates in the
commission of that offence by doing any one of those acts, either singly or jointly with any other person,
commits that offence.

Illustrations
(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B
administer the poison according to the agreement with intent to murder Z. Z dies from the effects of the
several doses of poison so administered to him. Here A and B intentionally co-operate in the commission
of murder and as each of them does an act by which the death is caused, they are both guilty of the
offence though their acts are separate.

(b) A and B are joint jailors, and as such have the charge of Z, a prisoner, alternately for six hours at a time.
A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each
during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of
hunger. Both A and B are guilty of the murder of Z.

(c) A, a jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z
with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to
cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation
with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of
hunger. B is guilty of murder, but, as A did not co-operate with B, A is guilty only of an attempt to commit
murder.

38. Persons concerned in criminal act may be guilty of different offences:

Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of
different offences by means of that act.

Illustration
A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable
homicide not amounting to murder. B, having ill-will towards Z and intending to kill him, and not having been
subject to the provocation, assists A in killing Z. Here, though A and B are both engaged in causing Z's
death, B is guilty of murder, and A is guilty only of culpable homicide.

39. "Voluntarily":

A person is said to cause an effect "voluntarily" when he causes it by means whereby he intended to cause
it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely
to cause it.

Illustration
A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery and
thus causes the death of a person. Here, a may not have intended to cause death and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily.

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.

In Chapter IV, [Chapter VA] and in the following sections, namely, Sections [64, 65, 66, [67], 71], 109, 110, 112, 114, 115, 116, 117, [118, 119, 120] 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the words "offence" denotes a thing punishable under this Code, or under any special or local law as hereinafter defined.

And in sections 141, 176, 177, 201, 202, 212, 216, and 441, the word "offence" has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.]

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].

43. "Illegal"/"Legally bound to do":

The word "illegal" is applicable to every thing which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be "legally bound to do" whatever it is illegal in him to omit.

44. "Injury":

The word "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

45. "Life":

The word "life" denotes the life of a human being, unless the contrary appears from the context.

46. "Death":

The word "death" denotes the death 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.

48. "Vessel":
The word "vessel" denotes anything made for the conveyance by water of human beings or of property.

49. "Year"/"Month":

Wherever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned according to the British calendar.

50. "Section":

The word "section" denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

51. "Oath":

The word "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made before a public servant or to be used for the purpose of proof, whether in a Court of Justice or not.

52. "Good faith":

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

52-A. "Harbour":
Except in Section 157, and in Section 130 in the case in which the harbour is given by the wife or husband of the person harboured, the word "harbour" includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this section or not, to evade apprehension.

CHAPTER III
OF PUNISHMENTS

53. Punishments:

The punishments to which offenders are liable under the provisions of this Code are -

First. - Death;

[Secondly. - Imprisonment for life;]

Thirdly. - Omitted by Act 17 of 1949, S. 2 (w.e.f. 6.4.1949).

Fourthly. - Imprisonment, which is of two descriptions, namely -

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

(2) Simple;

Fifthly. - Forfeiture of property;

Sixthly. - Fine.
53-A. Construction of reference to transportation:

(1) Subject to the provisions of sub-section (2) and sub-section (3), any reference to "transportation for life" in any other law for the time being in force or in any instrument or order having effect by virtue of any such law or of any enactment repealed shall be construed as a reference to "imprisonment for life".

(2) In every case in which a sentence of transportation for a term has been passed before the commencement of the Code of Criminal Procedure (Amendment) Act, [1955] (26 of 1955), the offender shall be dealt with in the same manner as if sentenced to rigorous imprisonment for the same term.

(3) Any reference to transportation for a term or to transportation for any shorter term (by whatever name called) in any other law for the time being in force shall be deemed to have been omitted.

(4) Any reference to "transportation" in any other law for the time being in force shall,-
(a) if the expression means transportation for life, be construed as a reference to imprisonment for life;
(b) if the expression means transportation for any shorter term, be deemed to have been omitted.

54. Commutation of sentence of death:

In every case in which sentence of death shall have been passed, [the appropriate Government] may, without the consent of the offender, commute the punishment for any other punishment provided by this Code.

55. Commutation of sentence of imprisonment for life:

In every case in which sentence of [imprisonment] for life shall have been passed, [the appropriate Government] may, without the consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding fourteen years.

55-A. Definition of "appropriate Government":

In sections 54 and 55 the expression "appropriate Government" means, -
(a) in cases where the sentence is a sentence of death or is for an offence against any law relating to a matter to which the executive power of the Union extends, the Central Government; and
(b) in cases where the sentence (whether of death or not) is for an offence against any law relating to a matter to which the executive power of the State extends, the Government of the State within which the offender is sentenced.

56. Sentence of Europeans and Americans to penal servitude/Proviso as to sentence for term exceeding ten years but not for life:

Repealed by the Criminal Law (Removal of Racial Discriminations) Act, 1949 (17 of 1949) (w.e.f. 6.4.1949).

57. Fractions of terms of punishment:

In calculating fractions of terms of punishment, imprisonment for life shall be reckoned as equivalent to imprisonment for twenty years.

58. Offenders sentenced to transportation how dealt with until transported:
59. Transportation instead of imprisonment:
Repealed by S. 117 and Sch. ibid. (w.e.f. 1.1.1956).

60. Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple:
In every case in which an offender is punishable with imprisonment which may be of either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

61. Sentence of forfeiture of property:
Repealed by the Indian Penal Code (Amendment) Act, 1921 (16 of 1921), S. 4.

62. Forfeiture of property, in respect of offenders punishable with death, transportation or imprisonment:
Repealed by S. 4, ibid.

63. Amount of fine:
Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive.

64. Sentence of imprisonment for non-payment of fine:
[In every case of an offence punishable with imprisonment as well as fine], in which the offender is sentenced to a fine, whether with or without imprisonment, and in every case of an offence punishable [with imprisonment or fine, or with fine only, in which the offender is sentenced to a fine,] it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence.

65. Limit to imprisonment for non-payment of fine, when imprisonment and fine awardable:
The term for which the Court directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

66. Description of imprisonment for non-payment of fine:
The imprisonment which the Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence.

67. Imprisonment for non-payment of fine, when offence punishable with fine only:
If the offence be punishable with fine only, [the imprisonment which the court imposes in default of payment of the fine shall be simple, and] the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case.

68. Imprisonment to terminate on payment of fine:

The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law.

69. Termination of imprisonment on payment of proportional part of fine:

If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Illustration

A is sentenced to a fine of one hundred rupees and to four months' imprisonment in default of payment. Here, if seventy-five rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seventy-five rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If fifty rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If fifty rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

70. Fine leviable within six years, or during imprisonment:

Death not to discharge property from liability. - The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

71. Limit of punishment of offence made up of several offences:

Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

Illustrations

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to
punishment for every blow, he might be imprisonment for fifty years, one for each blow. But he is liable only
to one punishment for the whole beating.

(b) But if, while A is beating Z, Y interferes and A intentionally strikes Y, here, as the blow given to Y is no
part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing
hurt to Z, and to another for the blow given to Y.

72. Punishment of person guilty of one of several offences, the judgment stating that it is
doubtful of which:

In all cases in which judgment is given that a person is guilty of one of several offences specified in the
judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for
the offence for which the lowest punishment is provided if the same punishment is not provided for all.

73. Solitary confinement:

Whenever any person is convicted of an offence for which under this Code the Court has power to
sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be
kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not
exceeding three months in the whole, according to the following scale, that is to say-

a time not exceeding one month if the term of imprisonment shall not exceed six months:

a time not exceeding two months if the term of imprisonment shall exceed six months and [shall not exceed
one] year:

a time not exceeding three months if the term of imprisonment shall exceed one year.

74. Limit of solitary confinement:

In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days
at a time, with intervals between the periods of solitary confinement of not less duration than such periods :
and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed
seven days in any one month of the whole imprisonment awarded, with intervals between the periods of
solitary confinement of not less duration than such periods.

75. Enhanced punishment for certain offences under Chapter XII or Chapter XVII after
previous conviction:

Whoever, having been convicted, -

(a) by a Court in [India], of an offence punishable under Chapter XII or Chapter XVII of this Code with
imprisonment of either description for a term of three years or upwards,[*]

(b) Omitted. shall be guilty of any offence punishable under either of those Chapters with like imprisonment
for the like term, shall be subject for every such subsequent offence to [imprisonment for life], or to
imprisonment of either description for a term which may extend to ten years.]
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.

Illustrations

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.

(b) A, an officer of a Court of Justice, being ordered by that Court to arrest Y, and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

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.

79. Act done by a person justified, or by mistake of fact believing himself justified, by law:

Nothing is an offence which is done by any person who is justified by law, 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 justified by law, in doing it.

Illustration

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the act, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

80. Accident in doing a lawful act:

Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Illustration

A is at work with a hatchet; the head files off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

81. Act likely to cause harm, but done without criminal intent, and to prevent other harm:

Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.
Explanation. - It is question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations

(a) A, the captain of a steam vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B, with twenty or thirty passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only two passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down the boat C.

(b) A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention in good faith of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

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.

86. Offence requiring a particular intent or knowledge committed by one who is intoxicated:

In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

87. Act not intended and not known to be likely to cause death or grievous hurt, done by
Nothing which is not intended to cause death, or grievous hurt, and which is not known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person, above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Illustration

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

88. Act not intended to cause death, done by consent in good faith for person’s benefit:

Nothing which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Illustration

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under a painful complaint, but not intending to cause Z’s death, and intending, in good faith, Z’s benefit, performs that operation on Z, with Z’s consent. A has committed no offence.

89. Act done in good faith for benefit of child or insane person, by or by consent of guardian:

Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person:

Provided -

First - That this exception shall not extend to the intentional causing of death, or to the attempting to cause death;

Secondly. - That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

Thirdly. - That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;

Fourthly. - That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustration

A, in good faith, for his child’s benefit without his child’s consent, has his child cut for the stone by a surgeon, knowing it to be likely that the operation will cause the child’s death, but not intending to cause
the child's death. A is within the exception, inasmuch as his object was the cure of the child.

90. Consent known to be given under fear or misconception:

A consent is not such a consent as is intended by any section of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

Consent of insane person. - if the consent is given by a person who, from unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or

Consent of child. - unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

91. Exclusion of acts which are offences independently of harm caused:

The exceptions in sections 87, 88 and 89 do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Illustration

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is an offence independently of any harm which it may cause or be intended to cause to the woman. Therefore, it is not an offence "by reason of such harm"; and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

92. Act done in good faith for benefit of a person without consent:

Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit:

Provided -

First - That this exception shall not extend to the intentional causing of death, or the attempting to cause death;

Secondly. - That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

Thirdly. - That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt;

Fourthly. - That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations

(a) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.
(b) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's ball gives A a mortal wound. A has committed an offence.

(c) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is not time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(d) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the housetop, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here even if the child is killed by the fall, A has committed no offence.

Explanation. - Mere pecuniary benefit is not benefit within the meaning of Sections 88, 89 and 92.

93. Communication made in good faith:

No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

Illustration

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

94. Act to which a person is compelled by threats:

Except murder, and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence: Provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1. - A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2. - A person seized by a gang of dacoits, and forced, by threat of instant death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception.

95. Act causing slight harm:

Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm. Of the Right of Privates Defence

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.

98. Right of private defence against the act of a person of unsound mind, etc:

When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations

(a) Z, under the influence of madness, attempts to kill A; Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

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.

Explanation 1. - A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows or has reason to believe, that the person doing the act is such public servant.

Explanation 2. - A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction, or unless such person states the authority under which he acts, or if he has authority in writing, unless he produces such authority, if demanded.

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.

101. When such right extends to causing any harm other than death:

If the offence be not of any of the descriptions enumerated in the last preceding section, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in Section 99, to the voluntary causing to the assailant of any harm other than death.

102. Commencement and continuance of the right of private defence of the body:

The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues.

103. When the right of private defence of property extends to causing death:

The right of private defence of property extends, under the restrictions mentioned in Section 99, to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely :-

First. - Robbery;

Secondly. - House-breaking by night;

Thirdly. - Mischief by fire committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or as a place for the custody of property;

Fourthly. - Theft, mischief or house-trespass, under such circumstances as may reasonable cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

STATE AMENDMENTS :

"Karnataka". - (1) In Clause Thirdly, -

(i) after the words "mischief by fire", the words "or any explosive substance" shall be inserted;

(ii) after the words "as a human dwelling, or" insert the words "as a place of worship, or".

(2) After Clause Fourthly, the following clause shall be inserted, namely :
"Fifthly. - Mischief by fire or any explosive substance committed on any property used or intended to be used for the purpose of Government or any local authority statutory body or company owned or controlled by Government or railway or any vehicle used or adapted to be used for the carriage of passengers for hire or reward". [Vide Karnataka Act No. 8 of 1972, Section 2 w.e.f. 7.10.1972].

"Maharashtra" - In Section 103, add the following at the end, namely:

"Fifthly. - Mischief by fire or any explosive substance committed on any property used or intended to be used for the purposes of any government or any local authority, statutory body, company owned or controlled by Government, railway or tramway, or on any vehicle used or adapted to be used, for the carriage of passengers for hire or reward". [Vide Maharashtra Act No. 19 of 1971, Section 26 w.e.f. 31.12.1971].

"Uttar Pradesh" - In Section 103, after clause Fourthly, add the following clause, namely:

"Fifthly. - Mischief by fire or any explosive substance committed on-

(a) Any property used or intended to be used for the purpose of Government, or any local authority or other corporation owned or controlled by Government; or

(b) any railway as defined in clause (4) of Section 3 of the Indian Railway Act, 1890 or railways stores as defined in the Railways Stores (Unlawful Possession) Act, 1955; or

(c) any transport vehicle as defined in clause (33) of Section 2 of the Motor Vehicles Act, 1939". [Vide U.P. Act No. 29 of 1970, Section 2 w.e.f. 17.7.1970]

104. When such right extends to causing any harm other than death:

If the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions enumerated in the last preceding section, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in section 99, to the voluntary causing to the wrong-doer of any harm other than death.

105. Commencement and continuance of the right of private defence of property:

The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

The right of private defence of property against theft continues till the offender has effected his retreat with the property or either the assistance of the public authorities is obtained, or the property has been recovered.

The right of private defence of property against robbery continues as long as the offender causes or attempts to cause to any person death or hurt or wrongful restraint or as long as fear of instant death or of instant hurt or of instant personal restraint continues.

The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief.

The right of private defence of property against house-breaking by night continues as long as the house-trespass which has been begun by such house-breaking continues.

106. Right of private defence against a deadly assault when there is risk of harm to innocent person:
If in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Illustration

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

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 or 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 the thing; or

Thirdly. - Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1. - A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2. - Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

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.

Illustrations
(a) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

(b) A instigates B to murder D. B in pursuance of the instigation stabs D. D. recovers from the wound. A is guilty of instigating B to commit murder.

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.

Illustrations

(a) A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence, if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(b) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the instigation, does the act in the absence of A and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(c) A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belong to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

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

Illustration

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and, as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5. - It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed.

Illustration

Aconcerts with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison, Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section and is liable to the punishment for murder.

108-A. Abetment in India of offences outside India: A person abets an offence within the meaning of this Code who, in [India], abets the commission of any act without and beyond [India] which constitute an offence if committed in [India].
Illustration
A, in [India], instigates B, a foreigner in Goa, to commit a murder in Goa. A is guilty of abetting murder.

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.

Explanation. - An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Illustrations
(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B’s official functions. B accepts the bribe. A has abetted the offence defined in Section 161.

(b) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(c) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A’s absence and thereby causes Z’s death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

Form of Charge:

Model Form of charge under Section 109

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That A (name the principal if the person is unknown, say that an unknown person), on the ___________day of___________at ______________committed the offence of __________ that you, at_____________abetted the said A (or the person unknown) in the commission of the said offence of __________which offence was committed in consequence of your abetment, and that you have thereby committed an offence, punishable under S. 109, read with S. ______ of the I.P.C., and within my cognizance (or within the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or the said Court) on the said charge."

110. Punishment of abetment if person abetted does act with a different intention from that of abettor:

Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

111. Liability of abettor when one act abetted and different act done:

When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it:
Provided the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Illustrations

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y.

(b) A instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder.

112. Abettor when liable to cumulative punishment for act abetted and for act done:

If the act for which the abettor is liable under the last preceding section is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to punishment for each of the offences.

Illustration

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, B is liable to punishment for both these offences; and, if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to punishment for each of the offences.

113. Liability of abettor for an effect caused by the act abetted different from that intended by the abettor:

When an act is abetted with the intention of the part of the abettor of causing a particular effect, and an act for which the abettor is liable in consequence of the abetment, causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

Illustration

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if A knew that the grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder.

114. Abettor present when offence is committed:

Whenever any person, who is absent would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.
115. Abetment of offence punishable with death or imprisonment for life - if offence not committed:

Whoever abets the commission of an offence punishable with death or [imprisonment for life], shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

If act causing harm be done in consequence. - And if any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Illustration

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or imprisonment for life. Therefore A is liable to imprisonment for a term which may extend to seven years and also to a fine; and, if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

Illustration

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or imprisonment for life. Therefore A is liable to imprisonment for a term which may extend to seven years and also to a fine; and, if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

Form of Charge:

Model Form of charge under Section 115

"I (name and office of Magistrate etc.,) hereby charge you (name of accused) as follows: That you, on or about ____________day of ____________ at __________ abetted the commission, by one A, of an offence of _______________ punishable with death (or imprisonment for life), which said offence was not committed in consequence of the abetment, and thereby committed an offence punishable under Section 115 of the I.P.C. and within my cognizance (or the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

116. Abetment of offence punishable with imprisonment - If offence be not committed:

Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of any description provided for that offence for a term which may extend to one-fourth part of the longest term provided for that offence; or with such fine as is provided for that offence, or with both;

if abettor or person abetted be a public servant whose duty it is to prevent offence. - And if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B refuses to accept the bribe. A is punishable under this section.

(b) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this section, and is punishable accordingly.

(c) A, a police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that
offence, and also to fine.

(d) B abets the commission of a robbery by A, a police-officer, whose duty it is to prevent that offence. Here, though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

Form of Charge:

Model Form of charge under Section 116

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you (being a public servant, whose duty it was to prevent the commission of the offence), on or about the ____________day of__________at_______________ abetted the commission, by one X, of an offence of ________punishable with imprisonment, which said offence was not committed in consequence of the abetment, and thereby committed an offence punishable under (the second part of) Section 116 of the I.P.C., and within my cognizance (or the cognizance of the Court of Session),

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

117. Abetting commission of offence by the public or by more than ten persons:

Whoever abets the commission of an offence by the public generally or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Illustration

A affixes in a public place a placard instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of adverse sect, while engaged in a procession. A has committed the offence defined in this section.

Form of Charge:

Model Form of charge under Section 117

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the ____________day _______at ______________ abetted the commission of the offence of ______________by ___________numbering more than ten persons (or the public generally) by ____________(state the act done by the accused in instigation) and thereby committed an offence punishable under section 117 of the I.P.C., and within my cognizance (or the cognizance of the Court of Session)

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

118. Concealing design to commit offence punishable with death or imprisonment for life:

Whoever intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with death or [imprisonment for life],

[voluntarily conceals, by any act or omission or by the use of encryption or any other information hiding tool the existence of a design] to commit such offence or makes any representation which he knows to be false respecting such design;

If offence be committed/if offence be not committed. - shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years, or, if the offence be not
committed, with imprisonment of either description, for a term which may extend to three years; and in either case shall also be liable to fine.

Illustration

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate with intent to facilitate the commission of the offence. The dacoity is committed at B in pursuance of the design. A is punishable under this section.

Form of Charge:

Model Form of charge under Section 118

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the ______________day of____________at__________ with the intention of facilitating, or with the knowledge that you will thereby facilitate, the commission of the offence of _______________ (specify the act), omitted to do _______________ (specify the omission) to conceal the existence of the design to commit the said offence, and thereby committed an offence, punishable under Section 118 of the I.P.C., and within my cognizance (or within the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or the said Court) on the said charge."

119. Public servant concealing design to commit offence which it is his duty to prevent:

Whoever, being a public servant, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence which it is his duty as such public servant to prevent,

[voluntarily conceals, by any act or omission or by the use of encryption or any other information hiding tool, the existence of a design] to commit such offence, or makes any representation which he knows to be false respecting such design,

if offence be committed. - shall, if the offence be committed, be punished shall imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both;

if offence be punishment with death, etc. - or, if the offence be punishable with death or imprisonment for life, with imprisonment of either description for a term which may extend to ten years;

if offence be not committed. - or if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment or with such fine as is provided for the offence, or with both.

Illustration

A, an officer of police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information, with intent to facilitate the commission of that offence. Here A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this section.

Form of Charge:

Model Form of charge under Section 119

"I (name and office of the Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, being a public servant, to wit________________ whose duty it was to prevent the commission of
the offence of ____________with the intention of facilitating, or with the knowledge that you will thereby facilitate, the commission of the offence of ____________did (specify the act), or omitted to do ____________ (specify the omission), to conceal the existence of the design to commit the said offence, and thereby committed an offence, publishable under Section 119 of the I.P.C., and within my cognizance (or within the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or the said Court) on the said charge”

120. Concealing design to commit offence punishable with imprisonment:

Whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design;

if offence be committed/If offence be not committed. - shall, if the offence be committed, be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth, and, if the offence be not committed, to one-eighth, of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

Form of Charge:

Model Form of charge under Section 120

"I (name and offence of the Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the __________day of__________at ___________with the intention of facilitating, or with the knowledge that you will thereby facilitate, the commission of the offence of _______________ (specify the act), omitted to do ________________ (specify the omission) to conceal the existence of the design to commit the said offence, and thereby committed an offence punishable under Section 120 of the I.P.C., and within my cognizance (or within the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or the said Court) on the said charge."

CHAPTER VA
CRIMINAL CONSPIRACY

120-A. 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.

Explanation. - It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

120-B. 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.

Form of Charge:

Model Form of charge under Section 120-B

"I (name and office of the Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the _______day of _________ at____________ agreed, with _______ (name the co-conspirator), to do (or cause to be done) an illegal act, to wit ____________(or no act, to wit________________ which is not illegal, by illegal means, to wit_____________) and that you did some acts, to wit _____________ besides the agreement, in pursuance of the said agreement, to commit the offence of ____________punishment with death (or imprisonment for the life, etc.) and thereby committed an offence punishable under Section 120-B of the I.P.C., and within my cognizance (or within the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or the said Court) on the said charge."

CHAPTER VI
OF OFFENCES AGAINST THE STATE

121. Waging, or attempting to wage war, or abetting waging of war, against the Government of India:

Whoever wages war against the [Government of India], or attempts to wage such war, or abets the waging of such war, shall be punished with death, or [imprisonment for life], [and shall also be liable to fine].

[ Illustration]

A joins an insurrection against the [Government of India]. A has committed the offence defined in this section.

Form of Charge:

Model Form of charge under section 121

"I (name and office of Court, etc.) hereby charge you (name of accused) as follows:

That you, on or about the day of ___________________at____________ waged war against the Government of India and thereby committed an offence, punishable under Section 121 of the I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by Court on the said charge."

121-A. Conspiracy to commit offences punishable by section 121:
Whoever within or without [India] conspires to commit any of the offences punishable by Section 121, or conspires to overawe, by means of criminal force or the show of criminal force, [the Central Government or any State Government[* * *]], shall be punished with [imprisonment for life], or with imprisonment of either description which may extend to ten years, [and shall also be liable to fine].

Explanation. - To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.]

**Form of Charge:**

Model Form of charge under Section 121A

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as under:

That you, on or about the _______________day of _______________ at ____________(if the place is within India, mention it), conspired to wage war (or to abet the waging or war) against the Government of India, (or conspired to overawe), by means of criminal force or show of criminal force, the Central Government (or any State Government in which case specify the act constituting the offence) and thereby committed an offence punishable under Section 121B of the I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this (or by said Court) Court on the said charge."

**122. Collecting arms, etc., with intention of waging war against the Government of India:**

Whoever collects men, arms or ammunition or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against the [Government of India], shall be punished with [imprisonment for life] or imprisonment of either description for a term not exceeding ten years, [and shall also be liable to fine].

**Form of Charge:**

Model Form of charge under Section 122

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as under:

That you, on or about the _______________day of _______________ at ___________ (if any other means were adopted, mention them) with the intention of waging war (or being prepared to wage war) against the Government of India, and thereby committed an offence punishable under Section 122 of the I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."

**123. Concealing with intent to facilitate design to wage war:**

Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the [Government of India], intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 123

"I (name of office of Magistrate, etc.) charge you (name of the accused) as follows:

That you, knowing that on or about the _______________day of _______________ at __________________ certain
persons had designed to wage war against the Government of India, concealed the existence of the design by ________(specify the act or omission), intending by such concealment to facilitate (or knowing it to be likely that such concealment would facilitate) the waging of such war, and thereby committed an offence, punishable under Section 123 of the I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."

124. Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power:

Whoever, with the intention of inducing or compelling the [President] of India, or the [Governor or any State, to exercise or refrain from exercising in any manner any of the lawful powers of such [President] or [Governor, assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes, by means of criminal force or the show of criminal force, or attempts so to overawe, such [President] or [Governor, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.]

Form of Charge:

Model Form of charge under Section 124

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the _______________________day of _________at _________with the intention of inducing the President of India (or, as the case may be, the Governor of___________(name of the State) to refrain him from exercising a lawful power as such President (or, as the case may be, the Government), assaulted the President (or, as the case may be, the Governor), and thereby committed an offence, punishable under Section 124 of the I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."

124-A. Sedition:

Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in [India], shall be punished with [imprisonment for life], to which fine may be added or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Explanation 1. - The expression "disaffection" includes disloyalty and all feelings of enmity.

Explanation 2. - Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

Explanation 3. - Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this Section.

Form of Charge:

Model Form of charge under Section 124-A

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the _______________________day of _________at _________by writing (or speaking) the words (mention them) or by signs or by visible representation or otherwise brought (or
attempted to bring), into hatred or contempt (or excited or attempted to excite disaffection towards), the Government, established by law in India, and thereby committed an offence, punishable under Section 124-A of the I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."

125. Waging war against any Asiatic Power in alliance with the Government of India:

Whoever wages war against the Government of any Asiatic Power in alliance or at peace with the [Government of India] or attempts to wage such war, or abets the waging of such war, shall be punished with [imprisonment for life], to which fine may be added, or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine.

*Form of Charge:*

Model Form of charge under Section 125

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you on or about _________________at______________by writing or speaking/or by signs or by visible representation or in some other manner brought or attempted to bring, hatred, contempt or excited or attempted to excite disaffection, towards the Government of an Asiatic power in alliance or at peace with the Government of India and thereby committed an offence punishable under Section 125 of the Indian Penal Code and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."

126. Committing depredation on territories of Power at peace with the Government of India:

Whoever commits depredation, or makes preparation to commit depredation, on the territories of any Power in alliance or at peace with the [Government of India], 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 to forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.

*Form of Charge:*

Model Form of charge under Section 126

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the_____________day of_____________at____________ committed (or made preparations to commit) depredation on the territories of______________a power in alliance (or at peace) with the Government of India, and thereby committed an offence, punishable under Section 126 of the I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."

127. Receiving property taken by war or depredation mentioned in Sections 125 and 126:

Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in Sections 125 and 126, 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 to forfeiture of the property so received.

*Form of Charge:*)
Model Form of charge under Section 127

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the____day of_____at______received, (specify the property), knowing the same to have been taken in waging war against____an Asiatic power in alliance (or at peace) with the Government of India (or knowing the same to have been taken in the commission of depredation on the territories of____a power in alliance (or at peace) with the Government of India), and thereby committed an offence, punishable under Section 127 of the I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."

128. Public servant voluntarily allowing prisoner of State war to escape:

Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with [imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 128

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, being a public servant (mention the office), and as such having the custody of_____a State prisoner (or a prisoner or war), on or about the______day of_____at_____voluntarily allowed such prisoner to escape from____the place in which such prisoner was confined, and thereby committed an offence of the court by section.

And I hereby direct that you be tried by this Court on the said charge."

129. Public servant negligently suffering such prisoner to escape:

Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 129

"I (name and office of Magistrate, etc.) hereby charge (name of accused) as under:

That you, on or about______________day of ____________at_____________ with the intention of facilitating, or with the knowledge that you thereby facilitate, the commission of the offence of______________(specify the fact), omitted to do_________________(specify the omission) to conceal the existence of the design to commit the said offence, and thereby committed an offence punishable under Section 129 of I.P.C., and within my cognizance.

And I hereby direct that you be tried by the said Court on the said charge."

130. Aiding escape of, rescuing or harbouring such prisoner:
Whoever knowingly aids or assists any State prisoner or prisoner of war in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, 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.

Explanation. - A State prisoner or prisoner of war, who is permitted to be at large on his parole within certain limits in [India], is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

Form of Charge:

Model Form of charge under Section 130

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the__________day of______at____________, knowledge aided (or assisted or rescued or attempted to rescue or knowingly harboured or concealed)________________a State prisoner (or prisoner of war), in escaping from lawful custody (or who had escaped from lawful custody (or offered or attempted to offer resistance to his recapture after he had escaped from lawful custody), and thereby committed an offence, punishable under Section 130 of the I.P.C. and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."

CHAPTER VII
OF OFFENCES RELATING TO THE ARMY, [NAVY AND AIR FORCE]

131. Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty:

Whoever abets the committing of mutiny by an officer, soldier, [sailor or airman], in the Army, [Navy or Air Force] of the [Government of India] or attempts to seduce any such officer, soldier, [sailor or airman] from his allegiance or his duty, 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.

[Explanation. - In this section the words "officer", ["soldier", ["sailor"] and "airman"] include any person subject to the [Army Act], [the Army Act, 1950 (46 of 1950)], [the Naval Discipline Act,[Indian Navy (Discipline) Act, 1934] (34 of 1934)], [the Air Force Act or the Air Force Act, 1950 (45 of 1950), as the case may be].]

Form of Charge:

Model Form of charge under Section 131

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the____________day of____________at____________abatted the commission of mutiny by____________________an officer (or soldier or sailor or airman) in the Army (or Navy or Air Force) of the Government of India (or attempted to seduce) an officer (or soldier or sailor or airman) in the Army (or Navy or Air Force) of the Government of India, from his allegiance (of his duty) and thereby committed an offence, punishable under Section 131 of the I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."
132. Abetment of mutiny, if mutiny is committed in consequence thereof:

Whoever abets the committing of mutiny by an officer, soldier, [sailor or airman] in the Army, [Navy or Air Force] of the [Government of India], shall, if mutiny be committed in consequence of that abetment, be punished with death or with [imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Form of Charge :**

Model Form of charge under Section 132

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the ____________ day of ______________ at ____________ abetted the commission of mutiny by ____________ an officer (or soldier of sailor or airman) in the Army (or Navy or Air Force) of the Government of India (or attempted to seduce) an officer (or soldier or sailor or airman) in the Army (or Navy or Air Force) of the Government of India, from his allegiance (or his duty), and thereby committed an offence, punishable under Section 131 of the I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."

133. Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office:

Whoever abets an assault by an officer, soldier, [sailor or airman], in the Army, [Navy or Air Force] of the [Government of India], on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

**Form of Charge :**

Model Form of charge under Section 133

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the ____________ at ____________ abetted an assault by ____________ an officer (or soldier or sailor or airman) in the Army (or Navy or Air Force) of the Government of India, on ____________ a Superior officer being in the execution of his office and thereby committed an offence, punishable under Section 133 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

134. Abetment of such assault, if the assault is committed:

Whoever abets an assault by an officer, soldier, [sailor or airman], in the Army, [Navy or Air Force] of the [Government of India], on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**Form of Charge :**

Model Form of charge under Section 134

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:
That you, on or about __________________day of ______________ at __________ abetted an assault which
was committed by __________________ an officer (or soldier or sailor or airman) in the Army (or Navy or Air
Force) of the Government of India, on __________________ a Superior Officer being in the execution of
his office, and thereby committed an offence, punishable under Section 134 of the I.P.C., and within my
cognizance.

And I hereby direct that you be tried by this Court on the said charge."

135. Abetment of desertion of soldier, sailor or airman:

Whoever abets the desertion of any officer, soldier, [sailor or airman], in the Army, [Navy or Air Force] of the
[Government of India], shall be punished with imprisonment of either description for a term which may
extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 135

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the __________ day ______________ abetted the desertion
of __________________ an officer (or soldier or sailor or airman) in the Army (or Navy or Air Force) of the
Government of India, and thereby committed an offence, punishable under Section 135 of the I.P.C., and
within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

136. Harbouring deserter:

Whoever, except as hereinafter expected, knowing or having reason to believe that an officer, soldier,
[sailor or airman], in the Army, [Navy or Air Force] of the [Government of India], has deserted, harbours such
officer, soldier, [sailor or airman] shall be punished with imprisonment of either description for a term which may
extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 136

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the __________ day ______________ knowing or
having reason to believe that __________________ an officer (or soldier or sailor or airman) in the Army
(or Navy or Air Force) of the Government of India, had deserted, harboured such officer (or soldier or
sailor or airman) and thereby committed an offence, punishable under Section 136 of the I.P.C., and within
my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

137. Deserter concealed on board merchant vessel through negligence of master:

The master or person in charge of a merchant vessel, on board of which any deserter from the Army, [Navy
or Air Force] of the [Government of India] is concealed, shall, though ignorant of such concealment, be
liable to a penalty not exceeding five hundred rupees, if he might have known of such concealment but for
some neglect of his duty as such master or person in charge, or but for some want of discipline on board
of the vessel.
Form of Charge:

Model Form of charge under Section 137

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That__________________a deserter from the Army (or Navy or Air Force) of the Government of India, had concealed himself on or about the__________________ day of_______________at_______________on board_____________________a merchant vessel, of which you were the master (or person in charge), through your neglect of duty as such master (or person in charge) (or through your want of discipline on board the said vessel) and that you have thereby committed an offence, punishable under Section 137 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

138. Abetment of act of insubordination by soldier, sailor or airman:

Whoever abets what he knows to be an act of insubordination by an officer, soldier, [sailor or airman], in the Army, [Navy or Air Force] of the [Government of India], shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 138

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the_______________day of________________ at __________abetted what you knew to be an act of insubordination by ____________an officer (or soldier or sailor or airman) in the Army (or Navy of Air Force) of the Government of India, and such act of insubordination was committed in consequence of the said abetment, and thereby committed an offence, punishable under Section 138 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by the said Court on the said charge."

138-A. Application of foregoing sections to the Indian Marine Service:

Repealed by the Amendment Act, 1934 (35 of 1934), S. 2 and Sch.

139. Persons subject to certain Acts. - No person subject to [the Army Act, [the Army Act, 1950 (46 of 1950)), the Naval Discipline Act,[" * "] the [Indian Navy (Discipline) Act, 1934] (34 of 1934), [the Air Force Act or [the Air Force Act, 1950 (45 of 1950)], is subject to punishment under this Code for any of the offences defined in this Chapter.

140. Wearing garb or carrying token used by soldier, sailor or airman:

Whoever, not being a soldier, [sailor or airman] in the Military, [Naval or Air] service of the [Government of India], wears any garb or carries any token resembling any garb or token used by such a soldier, [sailor or airman] with the intention that it may be believed that he is such a soldier, [sailor or airman], shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Form of Charge:

Model Form of charge under Section 140
"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, not being a soldier (or sailor or airman) in the Military (or Navy or Air) service of the Government of India, on or about the day of______________ at ______________________wore (specify the garb) (or carried _____________________a token), resembling (specify it) that used by such soldier (or sailor or airman), with the intention that it might be believed that you were such a soldier (or sailor or airman), and thereby committed an offence, punishable under S. 140 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by the said Court on the said charge."

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.

Explanation. - An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

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.

Form of Charge:

Model Form of charge under Section 143

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:
That you, on or about the ___ day of ___ at ___ were a member of an unlawful assembly, the common object of which was ___ (here specify the object), and thereby committed an offence, punishable under S. 143 of the I.P.C., within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

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.

Form of Charge:

Model Form of charge under Section 144

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the day of __________________ at ______________ being armed with a deadly weapon, to wit___(or armed with______________ which, used as a weapon of offence, is likely to cause death), were a number of an unlawful assembly, the common object of which was to___(describe the common object) and thereby committed an offence, punishable under Section 144 of the I.P.C., within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

145. Joining or continuing in unlawful assembly, knowing it has been commanded to disperse:

Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 145

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the ___ day of ___ at ___ joined (or continued in) an unlawful assembly, the common object of which was, to wit___knowing that such assembly had been commended, in the manner prescribed by law, to disperse, and thereby committed an offence, punishable under Section 145 of the I.P.C., within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

146. Rioting:

Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

147. Punishment for rioting:

Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may
extend to two years, or with fine, or with both.

Form of Charge:
Model Form of charge under Section 147

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, along with __________ (name the other persons of the assembly or mention their number with a few name if known) on or about the __________ day of __________ at __________ were a member of an unlawful assembly, and, in prosecution of the common object of such assembly, namely _______________ (specify the object), committed the offence of rioting, punishable under Section 147 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

148. Rioting, armed with deadly weapon:

Whoever is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Form of Charge:
Model Form of charge under Section 148

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, along with__________________(name the other persons or some of them, if known, or mention their number) on or about the ______________day of ______________at _________were a member of an unlawful assembly and were, at the time, armed with a deadly weapon, to wit__________________(or with something which, used as a weapon of offence, was likely to cause death), and did, in prosecution of the common object of that assembly, namely__________________commit the offence of rioting with the said weapon, and thereby committed as offence, punishable under Section 148 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

149. Every member of unlawful assembly guilty of offence committed in prosecution of common object:

If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

Form of Charge:
Model Form of charge under Section 149

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ____________ day of __________ at ____________ you were a member of an unlawful assembly, one of the members of which committed the offence of ____________(specify the offence) in prosecution of (merely specify the common object) of that assembly (or the offence of ______________which the members of that Assembly knew to be likely to be committed in prosecution of that object) and you, being a member of such assembly, at the time of the committing of
that offence, are, therefore, guilty of that offence punishable under_______________(specify the
section), read with Section 149 of the I.P.C., and within my cognizance (or within the cognizance of the
Court of Session).

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

150. Hiring, or conniving at hiring, of persons to join unlawful assembly:

Whoever hires or engages, or employs, or promotes, or connives at the hiring, engagement or employment
of any person to join or become a member of any unlawful assembly, shall be punishable as a member of
such unlawful assembly, and for any offence which may be committed by any such person as a member of
such unlawful assembly in pursuance of such hiring, engagement or employment, in the same manner as if
he had been a member of such unlawful assembly, or himself had committed such offence.

Form of Charge:

Model Form of charge under Section 150

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the_______________day of____________at___________ hired or engaged or
employed) (or promoted or connived at the hiring or engagement or employment of) and A to join as (or
become) a member of an unlawful assembly and that the said, as a member of such unlawful assembly, in
pursuance of such hiring (or engagement or employment),
committed___________________________(specify the offence and that you, thereby, committed an
offence punishable under Section 150, and__________________of the I.P.C., and within my cognizance (or
within the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

151. Knowingly joining or continuing in assembly of five or more persons after it has been
commanded to disperse:

Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a
disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be
punished with imprisonment of either description for a term which may extend to six months, or with fine, or
with both.

Explanation. - If the assembly is an unlawful assembly within the meaning of Section 141, the offender will
be punishable under Section 145.

Form of Charge:

Model Form of charge under Section 151

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as under:

That you, on or about the_________________day of________________ at________________ knowingly joined (or
continued in) an assembly of five or more persons likely to cause a disturbance of the public peace, after
such assembly had been lawfully commanded to disperse, and thereby committed an offence, punishable
under Section 151 of the I.P.C. and within my cognizance (or
within the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court on the said charge."

152. Assaaulting or obstructing public servant when suppressing riot, etc:
Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant, in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such public servant, shall be punishable with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

**Form of Charge:**

Model Form of charge under Section 152

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________day of ____________ at ____________ assaulted (or threatened to assault or obstruct) ______ servant, in the discharge of his duty, as such public servant, in endeavouring to disperse an unlawful assembly (or to suppress a riot or affray) and thereby committed an offence, punishable under Section 152 of I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

153. Wantonly giving provocation with intent to cause riot:

If rioting be committed/if not committed. - Whoever malignantly, or wantonly, by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

**Form of Charge:**

Model Form of charge under Section 153

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows.

That you, on or about the ____________day of ____________ at ____________ malignantly (or wantonly), by doing ______________ which was illegal, gave provocation to ___________ intending (or knowing it to be likely) that such provocation would cause the offence of rioting to be committed, and thereby committed an offence punishable under Section 153 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

153-A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony:

(1) Whoever -

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, [or]

[(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such}
activity shall use or be trained to use criminal force or violence or knowing it to be likely that the
participants in such activity will use or be trained to use criminal force or violence, or participates in such
activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the
participants in such activity will use or be trained to use criminal force or violence, against any religious,
racial, language or regional group or caste or community and such activity, for any reason whatsoever
causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious,
racial, language or regional group or caste or community,] shall be punished with imprisonment which may
extend to three years, or with fine, or with both.

Offence committed in place of worship, etc. - (2) Whoever commits an offence specified in sub-section (1)
in any place of worship or in any assembly engaged in the performance of religious worship or religious
ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to
fine.

Form of Charge:

Model Form of charge under Section 153-A

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the___day of___at___by speaking (or writing) the words (or by signs, or by visible
representations), promoted (or attempted to promote) feelings of enmity (or hatred) between ___(specify
the groups, castes or communities) or committed an act, which is prejudicial to the maintenance of harmony
between different groups, castes or communities and which disturbs, or is likely to disturb, public
tranquillity, and thereby committed an offence, punishable under Section 153-A of the I.P.C. and within my
cognizance.

And I hereby direct that you be tried by this Court on the said charge."

153-AA. - Punishment for knowingly carrying arms in any procession or organising or
holding or taking part in any mass drill or mass training with arms:

Whoever knowingly carries arms in any procession or organizes or holds or takes part in any mass drill or
mass training with arms in any public place in contravention of any public notice or order issued or made
under Section 144-A of the Code of Criminal Procedure, 1973 (2 of 1974) shall be punished with
imprisonment for a term which may extend to 6 months and with fine which may extent to two thousand
rupees.

Explanation - "Arms" means articles of any discretion designed or adapted as weapons for offence or
defence and includes fire arms, sharp edged weapons, lathis, dandas and sticks.

Classification of offence - The offence under this Section is cognizable, non bailable, non-compoundable
and triable by any Magistrate.

153-B. Imputations, assertions prejudicial to national integration:

(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise,-

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members
of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to
the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class or persons shall, by reason of their
being members of any religious, racial, language or regional group or caste or community, be denied or
deprived of their rights as citizens of India, or
(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1), in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall be liable to fine.

154. Owner or occupier of land on which an unlawful assembly is held:

Whenever any unlawful assembly or riot takes place, the owner or occupier of the land upon which such unlawful assembly is held, or such riot is committed, and any person having or claiming an interest in such land, shall be punishable with fine not exceeding one thousand rupees, if he or his agent or manager, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his or their power to the principal officer at the nearest police-station, and do not, in the case of his or their having reason to believe that it was about to be committed, use all lawful means in his or their power to prevent it, and, in the event of its taking place, do not use all lawful means in his or their power to disperse or suppress the riot or unlawful assembly.

Form of Charge:

Model Form of charge under Section 154

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ______________ day of ______________ an unlawful assembly was held (or a riot was committed) upon land in village __________ (name the village), of which you are the owner or occupier (or in which you claim an interest), and you (or your agent or manager), knowing that such offence was being committed or had been committed, or having reason to believe that it was likely to be committed, did not give the earliest notice thereof, in his or their power, to the principal officer at the nearest police station and did not use all lawful means, in his power, to prevent it or disperse or suppress the riot or unlawful assembly, and thereby committed the offence, punishable under Section 154 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

155. Liability of person for whose benefit riot is committed:

Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land, respecting which such riot takes place or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to be committed or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for suppressing and dispersing the same.

156. Liability of agent of owner or occupier for whose benefit riot is committed:

Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed
was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same.

157. Harbou ring persons hired for an unlawful assembly:

Whoever harbours, receives or assembles, in any house or premises in his occupation or charge, or under his control and persons, knowing that such persons have been hired, engaged or employed, or are about to be hired, engaged or employed, to join or become members 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.

158. Being hired to take part in an unlawful assembly or riot:

Whoever is engaged, or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in Section 141, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

or to go armed. - and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly weapon or with anything which, used as a weapon of offence is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

159. Affray:

When two or more persons, by fighting in a public place, disturb the public peace, they are said to "commit an affray".

160. Punishment for committing affray:

Whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Form of Charge:

Model Form of charge under Section 160

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the___________________________day of________________ at_________________ committed an offence of affray, and thereby committed an offence, punishable under Section 160 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

CHAPTER IX
OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

161 to 165A:

166. - Public servant disobeying law, with intent to cause injury to any person:

Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z’s favour by a Court of Justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

Form of Charge:

Model Form of charge under Section 166

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___________day of___________at______________did or omitted to do, (as the case may be) ___________such conduct being contrary to the provisions of Section _______of the _________Act, intending to cause, or knowing it to be likely to cause, injury to_________and the reby committed an offence, punishable under Section 166 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

167. Public servant framing an incorrect document with intent to cause injury:

Whoever, being a public servant, and being, as [such public servant, charged with the preparation or translation of any document or electronic record, frames, prepares or translates that document or electronic record] in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 167

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _______________day at_______________being a public servant, to wit______________and being as such public servant, charged with the preparation (or translation) of the document, relating to _______________framed (or translated) that document in a manner which you knew (or believed) to be incorrect, intending thereby to cause (or knowing it to be likely that you might thereby cause) injury to______________and that you thereby committed an offence, punishable under Section 167 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

168. Public servant unlawfully engaging in trade:

Whoever, being a public servant, and being legally bound as such public servant not to engage in trade, engages in trade, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Form of Charge:


**Model Form of charge under Section 168**

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___ day of ___ at ___ being a public servant, to wit ___ and being as such public servant, legally bound not to engage in trade, did engage in trade and thereby committed an offence, punishable under Section 168 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**169. Public servant unlawfully buying or bidding for property:**

Whoever, being a public servant, and being legally bound as such public servant, not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly, or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both; and the property, if purchased, shall be confiscated.

*Form of Charge:*

Model Form of charge under Section 169

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the day of __________ at __________ being a public servant, namely __________ in the __________ Deptt. and being legally bound, as such public servant, not to purchase, in your own name (or in the name of __________) (or jointly or in shares), did so purchase the property and thereby committed an offence, punishable under Section 169 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**170. Personating a public servant:**

Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

*Form of Charge:*

Model Form of charge under Section 170

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the day of __________ at __________ pretended to hold the office of __________ as a public servant (or falsely personated __________ holding such office) and, in such assumed character, did (or attempted to do), under colour of such office __________ and thereby committed an offence, punishable under Section 170 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**171. Wearing garb or carrying token used by public servant with fraudulent intent:**

Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be
believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Form of Charge:

Model Form of charge under Section 171

"I (name and office of Magistrate, etc.) hereby you (name of the accused) as follows:

That you, on or about the _______________day of_____________at__________ not belonging to__________________class of public servants, wore garb of such a class of public servant, to wit___(or carried token, to wit _____________ which is used, by __________class of public servants), with the intention that it may be believed (or with the knowledge that it is likely to be believed) that you belong to that class of public servants, and thereby committed an offence, punishable under Section 171 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

CHAPTER IX-A
TO OFFENCES RELATING TO ELECTIONS

171A. "Candidate", "Electoral right" defined:

For the purposes of this Chapter-

[(a) "candidate" means a person who has been nominated as a candidate at any election;]

(b) "electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

171B. Bribery:

(1) Whoever -

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.
171C. Undue influence at elections:

(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever-

(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

171D. Personation at elections:

Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

[Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.]

171E. Punishment for bribery:

Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation. - "Treating" means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

171F. Punishment for undue influence or personation at an election:

Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.

171G. False statement in connection with an election:

Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

171H. Illegal payments in connection with an election:

Whoever without the general or special authority in writing of a candidates incurs or authorises expenses
on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

171-I. Failure to keep election accounts:

Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.

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 or an electronic record 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.

Form of Charge:

Model Form of charge under Section 172

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the_____________day of____________at_____________ absconded to avoid service of summons (or notice or order), proceeding from __________________(specify the name of the public servant and state his office), and thereby committed an offence, punishable under Section 172 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

173. Preventing service of summons or other proceeding, or preventing publication thereof:

Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order, proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order,

or intentionally prevents the lawful affixing to any place of any such summons, notice or order,

or intentionally removes any such summons, notice or order from any place to which it is lawfully affixed,
or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made, 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, notice, order or proclamation is to attend in person or by agent, or [to produce a document or electronic record 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.

174. Non-attendance in obedience to an order from public servant:

Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, 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, notice, order or proclamation is to attend in person or by agent 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.

Illustrations

(a) A, being legally bound to appear before the [High Court] at Calcutta, in obedience to a subpoena issuing from that Court, intentionally omits to appear. A has committed the offence defined in this section.

(b) A, being legally bound to appear before a [District Judge], as a witness, in obedience to a summons issued by that [District Judge] intentionally omits to appear. A has committed the offence defined in this section.

174-A. Non-appearance in response to a proclamation under section 82 of Act 2 of 1974:

Whoever fails to appear at the specified place and the specified time as required by a proclamation published under sub-section (1) of Section 82 of the Code of Criminal Procedure, 1973, (2 of 1974) shall be punished with imprisonment for a term which may extend to three years or with fine or with both, and where a declaration has been made under sub-section (4) of that section pronouncing him as a proclaimed offender he shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

175. Omission to produce [document or electronic record] to public servant by person legally bound to produce it:

Whoever, being legally bound to produce or deliver up any [document or electronic record] to any public servant, as such, intentionally omits so to produce or deliver up the same, 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 [document or electronic] is to be produced or delivered up to 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.

Illustrations

A, being legally bound to produce a document before a [District Court], intentionally omits to produce the same. A has committed the offence defined in this section.

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.]

Form of Charge :

Model Form of charge under Section 176

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the_______________day of________________at ___________being legally bound to give notice (or to furnish information) on subject, to wit________________to a public servant, intentionally omitted to give such notice (or to furnish such information) which you were legally bound to give as to in respect of commission (or prevention) of an offence (or apprehension of an offender), and thereby committed an offence, punishable under Section 176 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

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.

Illustrations

(a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.

(b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being bound under clause 5, Section VII, [Regulation III], 1821, of the Bengal Code, to give early and punctual information of the above fact to the officer of the nearest police-station, wilfully misinforms the police-officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in the later part of this section.

[Explanation. - In Section 176 and in this section the word "offence" 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 the word "offender" includes any person who is alleged to have been guilty of any such act.]

Form of Charge:

Model Form of charge under Section 177

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________day of ____________at____________being legally bound to furnish information on the subject, to wit_______________to a public servant as such, furnished, as true, the information, to wit_______________on the subject, which you knew (or had reason to believe) to be false, and which information you were legally bound to give in respect of commission of an offence (or in order to the apprehension of an offender) and thereby committed an offence, punishable under Section 177 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

178. Refusing oath or affirmation when duly required by public servant to make it:

Whoever refuses to bind himself by an oath [or affirmation] to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, 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.

179. Refusing to answer public servant authorised to question:

Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, 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.

180. Refusing to sign statement:

Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

181. False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation:

Whoever, being legally bound by an oath [or affirmation] to state the truth on any subject to any public servant or other person authorized by law to administer such oath [or affirmation], makes, to such public servant or other person as aforesaid, touching the subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 181

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:
That you, on or about the ____________ day of ______________ at ______________ being legally bound, by an oath (or affirmation) to state the truth, on a certain subject, to wit _______________ to a public servant (or person), authorized, by law, to administer such oath (or affirmation), did make, to such public servant (or person), as aforesaid, touching that subject, a statement, which was false and which you knew (or believed) to be false, to wit__________________ and thereby committed an offence, punishable under Section 181 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

182. False information, with intent to cause public servant to use his lawful power to the injury of another person:

Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant -

(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished 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.]

Illustrations

(a) A informs a Magistrate that Z, a police-officer, subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

(b) A falsely informs a public servant that Z has contraband salt in a secret place knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z’s premises, attended with annoyance to Z. A has committed the offence defined in this section.

(c) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section.

Form of Charge:

Model Form of charge under Section 182

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________ day of ______________ gave to _______________(name or official designation of public servant), a public servant, the following information, namely _______________ which you knew, or believed, to be false, intending thereby to cause (or knowing it to be likely that you would thereby cause) such public servant to do (or omit) something, to wit _______________ which such public servant ought not to do (or omit) if the true state of facts were know by him (or to use the lawful power of such public servant to the injury (or annoyance) of _______________) and thereby committed an offence, punishable under Section 182 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

183. Resistance to the taking of property by the lawful authority of a public servant:
Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant, shall be punished 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.

**Form of Charge**

Model Form of charge under Section 183

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________day of ______________ at __________ offered resistance to the taking of property by the lawful authority of public servant ______________ (name or official designation of the public servant), knowing, or having reason to believe, that he was such public servant, and thereby committed an offence, punishable under Section 183 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**184. Obstructing sale of property offered for sale by authority of public servant:**

Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

*Form of Charge:*

Model Form of charge under Section 184

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________day of ______________ at __________ intentionally obstructed sale of property, offered for sale by the lawful authority of the public servant ______________ (name or official designation of public servant) as such, and thereby committed an offence, punishable under Section 184 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**185. Illegal purchase or bid for property offered for sale by authority of public servant:**

Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

*Form of Charge:*

Model Form of charge under Section 185

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________day of ______________ at __________ at a sale of property, held by the authority of a public servant ______________ (name or official designation of public servant) as such, purchased (or bade for) the property for yourself (or any other person, namely ____________ (give the name of that person), knowing that you (or such other person) were under a legal incapacity to purchase the property at
sale (or bade for such property not intending to perform the obligations under which you laid yourself by such bidding), and thereby committed of an offence, punishable under Section 185 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**186. Obstructing public servant in discharge of public functions:**

Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

**Form of Charge:**

Model Form of charge under Section 186

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ________________day of ___________ at ___________ voluntarily obstructed a public servant _____________(name or official designation of public servant) in the discharge of his public functions _______________(give the details), and thereby committed an offence, punishable under Section 186 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**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.

**Form of Charge:**

Model Form of charge under Section 187

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about ______________day of __________ at_________ being bound, by law, to render (or furnish) assistance to a public servant _______________(name or official designation of public servant) in the execution of his public duty, intentionally omitted to give such assistance, and thereby committed an offence, punishable under Section 187 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**188. Disobedience to order duly promulgated by public servant:**

Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends
to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, 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 disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished 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.

Explanation. - It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

Form of Charge :

Model Form of charge under Section 188

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___________day of ____________at ____________ held out a threat of injury to a public servant, to wit _____________________(or to _______________ in whom, you believed, that public servant was interested), for the purpose of inducing that public servant to do an act, to wit___________________ (or to forbear or delay to do ______________), connected with the exercise of the public functions of such public servant, and thereby committed an offence, punishable under Section 189 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

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.

Form of Charge :

Model Form of charge under Section 189

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ________day of _________ at __________ held out a threat of injury to a public servant, to wit ________________(or to _______________ in whom, you believed, that public servant was interested), for the purpose of inducing that public servant to do an act, to wit ________________ (or to forbear or delay to do _____________), connected with the exercise of the public functions of such public servant, and thereby committed an offence, punishable under Section 189 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

190. Threat of injury to induce person to refrain from applying for protection to public
servant:

Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**Form of Charge:**

Model Form of charge under Section 190

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _____________day of _________at _________ held out a threat of injury, to wit_________ to ____________ the purpose of inducing him to refrain or desist from making a legal application, for protection against such injury, to a public servant, legally empowered to give such protection (or to cause such protection to be given), and thereby committed an offence, punishable under Section 190 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

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.

**Explanation 1.** - A statement is within the meaning of this section, whether it is made verbally or otherwise.

**Explanation 2.** - A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

**Illustrations**

(a) A, in support of a just claim which B has against Z for one thousand rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.

(b) A, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

(c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives false evidence whether Z was at that place on the day named or not.
(e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or
document which he is bound by oath to interpret or translate truly, that which is not and which he does not
believe to be a true interpretation or translation. A has given false evidence.

192. Fabricating false evidence:

Whoever causes any circumstance to exist or [makes any false entry in any book or record, or electronic
record or makes any document or electronic record containing a false statement], intending that such
circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a
proceeding taken by law before a public servant as such, or before an arbitrator, and that such
circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such
proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point
material to the result of such proceeding, is said “to fabricate false evidence”.

Illustrations

(a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that
this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

(b) A makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a Court
of Justice. A has fabricated false evidence.

(c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of
Z’s handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the
letter in a place which he knows that the officers of the Police are likely to search. A has fabricated false
evidence.

193. Punishment for false evidence:

Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricated 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.

Explanation 1. - A trial before a Court-martial is a judicial proceeding.

Explanation 2. - An investigation directed by law preliminary to a proceeding before a Court of Justice, is a
stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration

A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z ought to be committed for
trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial
proceeding, A has given false evidence.

Explanation 3. - An investigation directed by a Court of Justice according to law, and conducted under the
authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take
place before a Court of Justice.

Illustration

A, in any enquiry before an officer deputed by a Court of Justice to ascertain on the spot the boundaries
of land, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial
proceeding, A has given false evidence.
Form of Charge:

Model Form of charge under Section 193

(i) Charge for giving false evidence:

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the day of ______________ at ______________ in the course of the trial of ______________ before ______________ stated, in evidence, that "__________________", which statement you either knew or believed to be false or did not believe to be true, and thereby committed an offence punishable under Section 193 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

(ii) Charge for fabricating false evidence:

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the day of ______________ at ______________ fabricated false evidence to wit ______________ for the purpose of being used in a stage of a judicial proceeding ______________ (specify here the stage of the judicial proceeding), and thereby committed an offence, punishable under Section 193 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

(i) Charge for giving false evidence:

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the day of ______________ at ______________ in the course of the trial of ______________ before ______________ stated, in evidence, that "__________________", which statement you either knew or believed to be false or did not believe to be true, and thereby committed an offence punishable under Section 193 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

(ii) Charge for fabricating false evidence:

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the day of ______________ at ______________ fabricated false evidence to wit ______________ for the purpose of being used in a stage of a judicial proceeding ______________ (specify here the stage of the judicial proceeding), and thereby committed an offence, punishable under Section 193 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

194. Giving or fabricating false evidence with intent to procure conviction of capital offence:

Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital [by the laws for the time being in force in [India] shall be punished with [imprisonment for life], or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine;

if innocent person be thereby convicted and executed. - and if an innocent person be convicted and
executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

Model Form of charge under Section 194

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the day of __________________ at__________________in the course of trial of _______________before_______________ gave false evidence (or fabricated false evidence), intending to cause, or knowing it to be likely that you will thereby cause__________________(give the name of the person) to be convicted of an offence, which is capital by the law for the time being in force in India.

(Where the charge is under the second part of Section 194) and an innocent person__________________(give the name of the person) has been convicted and executed, and thereby committed an offence, punishable under Section 194 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried, on the said charge, by this court."

195. Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment:

Whoever gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which [by the law for the time being in force in [India] is not capital, but punishable with [imprisonment for life], or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration

A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to imprisonment for life or imprisonment, with or without fine.

Form of Charge :

Model Form of charge under Section 195

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on and about the day of ___________________________ at ________________ in the course of trial of _______________before_______________ gave false evidence (or fabricated false evidence), intending thereby to cause (or knowing it to be likely that you will thereby cause)________________________(give name of the person) to be convicted of an offence_____________________which is not capital by the law for the time being in force in India but punishable with imprisonment for life or imprisonment for a term of seven years or upwards, and thereby committed an offence, punishable under Section 197 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried, on the said charge, by this court."

195-A. Threatening any person to give false evidence:

Whoever threatens another with any injury to his person, reputation or property or to the person or reputation of any one in whom that person is interested, with intent to cause that person to give false evidence shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both;
and if innocent person is convicted and sentenced in consequence of such false evidence, with death or
imprisonment for more than seven years, the person who threatens shall be punished with the same
punishment and sentence in the same manner and to the same extent as such innocent person is punished
and sentenced.

Classification of Offence - The offence under this section is cognizable, non-bailable and triable by the
Court by which offence of giving false evidence is triable.

196. Using evidence known to be false:

Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be
false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

Form of Charge:

Model Form of charge under Section 196

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ______________ day of __________________ at ______________ corruptly used (or attempted to use), as true or genuine evidence, the evidence, to wit ______________, which you knew to be false (or fabricated) and as such punishable under Section 193 (or Section 194 or 195) of the Indian Penal Code, and thereby committed an offence punishable under Section 196 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

197. Issuing or signing false certificate:

Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of
which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in
any material point, shall be punished in the same manner as if he gave false evidence.

Form of Charge:

Model Form of charge under Section 197

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ______________ day of __________________ at ______________ issued (or
signed) a certificate, required, by law, to be given (or signed) (or relating to a fact of which such certificate
is, by law, admissible in evidence), which was false in a material point, to wit ______________, which was
known or believed by you to be false, and thereby committed an offence punishable under Section 197 of the Indian
Penal Code, and within my cognizance (or within the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

198. Using as true a certificate known to be false:

Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to
be false in any material point, shall be punished in the same manner as if he gave false evidence.

Form of Charge:

Model Form of charge under Section 198
"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ________________ day of________________ at ______________ used (or attempted to use as true) a certificate required, by law, to be given and signed (or relating to a fact of which such certificate is, by law, admissible in evidence) but which was false in a material point, to wit_________________ and knew or believed, by you, to be the same, and thereby committed an offence, punishable under Section 198 of the I.P.C., and within my cognizance (or within the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

**199. False statement made in declaration which is by law receivable as evidence:**

Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

*Form of Charge:*

Model Form of charge under Section 199

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ________________ day of________________ at ______________ made (or subscribed) a declaration, which a Court of Justice, to wit_________________________(or any public servant or other person), was bound (or authorised by law) to receive as evidence of a fact, and therein you made a statement, to wit_____________________ which is false and which you knew or believed to be false (or did not believe to be true), on a point material to the object for which the declaration was made (or used) and thereby committed an offence under Section 199 of the I.P.C., and within my cognizance (or within the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

**200. Using as true such declaration knowing it to be false:**

Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Explanation. - A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of Sections 199 and 200.

*Form of Charge:*

Model Form of charge under Section 200

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ________________ day of________________ at ______________ corruptly used (or attempted to use as true) the declaration, as is referred to in Section 199 of the Indian Penal Code, knowing the same to be false in any material point, and thereby committed an offence, punishable under Section 200 of the Indian Penal Code, and within my cognizance (or within the cognizance of the Court of Sessions).

And I hereby direct that you be tried, on the said charge, by this Court (or by the said Court)."
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, he 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.

Illustration

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

Form of Charge:

Model Form of charge under Section 201

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _______________day of _______________ at _______________ knowing (or having reason to believe) that a certain offence, to wit_____________________punishable with ______________ has been committed, did cause certain evidence of the said offence to disappear, to wit ________________ (or knowingly gave false information, to wit _______________) with the intention of screening the offender from legal punishment, and thereby committed an offence, punishable under Section 201 of the Indian Penal Code, and within my cognizance (or within the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

202. Intentional omission to give information of offence by person bound to inform:

Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 202

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, knowing, or having reason to believe, that, on or about the _______________date of _______________ at _______________ the offence of ________________________ was committed (by
intentionally omitted to give information respecting its commission, which you were legally bound to give, and thereby committed an offence, punishable under Section 202 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**203. Giving false information respecting an offence committed:**

Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

[Explanation. - In Sections 201 and 202 and in this section the word "offence" 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.]

**Form of Charge:**

Model Form of charge under Section 203

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, knowing, or having reason to believe, that, on or about the ______________day of_______________ at________________the offence of ________________________ was committed, gave information, respecting the said offence, to wit __________________ which you knew or believed to be false, and thereby committed the offence, punishable under Section 203 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**204. Destruction of [document or electronic record] to prevent its production as evidence:**

Whoever secretes or destroys any [document or electronic record] which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant, as such, or obliterates or renders illegible the whole or any part of such [document or electronic record] with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**Form of Charge:**

Model Form of charge under Section 204

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________________day of___________________ at _____________ secreted (or destroyed) a document, to wit_____________________ which you could be lawfully compelled to produce as evidence in a Court (or in any proceeding lawfully held before a public servant, to wit_____________________ or obliterated (or rendered illegible) the whole (or a part) of such document after you were lawfully summoned (or required) to produce the same, and thereby committed an offence, punishable under Section 204 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."
205. False personation for purpose of act or proceeding in suit or prosecution:

Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 205

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________day of ____________ at _________ falsely personated (name the person impersonated) and, in such character, made admission or statement (or confessed judgment, or caused process to be issued, or became bail or security, or did any other act), in __________ (specify the suit or criminal prosecution), and thereby committed an offence, punishable under Section 205 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

206. Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution:

Whoever fraudulently removes, conceals, transfers or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court or Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 206

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you fraudulently removed (or concealed), or transferred, or delivered, to ____________(name the person, property, to wit ____________) (specify it), intending thereby to prevent the said property from being taken as forfeiture (or fine) under the sentence, which had been pronounced (or which you knew to be likely to be pronounced) by ____________ (specify the Court of Justice, etc.) in Criminal Case No. ____________, or from being taken in execution of the decree, which had been made by ____________ (specify the Court) in Civil Suit No. ____________ and that you thereby committed an offence, punishable under Section 206 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

207. Fraudulent claim to property to prevent its seizure as forfeited or in execution:

Whoever fraudulently accepts, receives or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practises any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court of Justice or other competent authority, or from being
taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**Form of Charge:**

Model Form of charge under Section 207

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows: That you fraudulently accepted (or received or claimed) property, to wit____________(or any interest therein, to wit_______), knowing that you had no right or rightful claim to it for you practised a deception, to wit_________touching, a right to the property or any interest therein), intending thereby to prevent that property (or interest therein) from being taken as a forfeiture (or in satisfaction of a fine) under a sentence, which had been pronounced (or which you knew to be likely to be pronounced) by the Court of_______________or by a competent authority, to wit _______________(or from being taken in execution of a decree or order which had been made, on ____________(or which you knew to be likely to be made), by a Court of Justice, to wit_______________in Civil Suit No. _________of____________and thereby committed an offence, punishable under Section 207 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

208. Fraudulently suffering decree for sum not due:

Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due or for a larger sum that is due to such person or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustration

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z’s property which may be made under A's decree. Z has committed an offence under this section.

**Form of Charge:**

Model Form of charge under Section 208

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows: That you, on or about the___day of___at fraudulently caused (or suffered) a decree (or for a larger sum that was due) to such person or for any property, or interest in property, to which the decree-holder was not entitled, or fraudulently caused (or suffered) a decree (or order), to wit ______Decree (or Order) No. __________in Suit No. ______decided by the Court_________on______to be executed against you after it had been satisfied, and thereby committed an offence under Section 208 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

209. Dishonestly making false claim in Court:
Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court of Justice any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 209

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________day of_________ at_________ fraudulently (or dishonestly or with intent to injure or annoy any person) made a claim, to wit_________(specify the claim), in Suit No. __________ of __________ in the Court of __________ which you knew to be false, and thereby committed an offence, punishable under Section 209 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

210. Fraudulently obtaining decree for sum not due:

Whoever fraudulently obtains a decree or order against any person for a sum not due or for a larger sum than is due or for any property or interest in property to which he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied or for anything in respect of which it has been satisfied, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 210

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________day of_________ at_________ fraudulently obtained a decree (or order), in Suit No. __________ of __________ against_________ for Rs. __________ which was not due (or which was a larger sum than was due) (or for any property or interest in property to which you were not entitled) or fraudulently caused a decree (or order) to be executed against_________ after it had been satisfied or for anything in respect of which it had been satisfied) (or fraudulently suffered or permitted any such act to be done in your name), and thereby committed an offence, punishable under Section 210 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

211. False charge of offence made with intent to injure:

Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and if such criminal proceeding be instituted on a false charge of an offence punishable with death, [imprisonment for life], or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 211
"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________day of __________at________ with intent to cause injury to one __________ instituted criminal proceedings before __________ charging the said __________ with having committed the offence of __________ (or falsely charged the said __________ before __________ with having committed the offence of __________) knowing at the time, that there was no just or lawful ground for such proceeding (or charge) against the said __________ and that you thereby committed an offence, punishable under Section 211 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

212. Harbouring 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 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.

Illustration

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to imprisonment for life, A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

Form of Charge:

Model Form of charge under Section 212

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the __________day of __________ the offence of __________ (specify it) was committed at __________(specify the place) by AB, that you, on or about the __________day of __________ at __________ harboured (or concealed) the said AB, knowing (or having reason to believe), at the time of the said harbouring (or concealing), that the said AB had committed the said offence of __________ and that you thereby committed an offence, punishable under Section 212 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."
213. Taking gift, etc., to screen an offender from punishment:

Whoever accepts or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to 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 seven 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 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 imprisonment provided for the offence, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 213

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

"That, on or about the day of ____________at ______________one AB committed the offence of ______________punishable with _____________ and that you, on or about the ________ day of _______________accepted (or attempted to accept or agreed to accept) any gratification for yourself (or X), or any restitution of property, to wit _______________ to yourself (or to X), in consideration of your concealing the said offence of ______________(or screening the said AB from legal punishment for the said offence or not proceeding against the said AB for the purpose of bringing him to legal punishment), and that you thereby committed an offence, punishable under Section 213 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

214. Offering gift or restoration of property in consideration of screening offender:

Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or [restores or causes the restoration of] any property to any person, in consideration of that person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to 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 seven 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 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 imprisonment provided for the offence, or with fine, or with both.

[Exception. - The provisions of Sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded.]

Form of Charge:
Model Form of charge under Section 214

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ________ day of ________ at ________ you gave (or caused to give or offered or agreed to give or cause) a gratification, to wit __________, to AB (or restored, or caused the restoration of, property, to wit_______, to ________) in consideration of the said AB's concealing the offence of _______punishable under Section _______ of the I.P.C., (or in consideration of his screening you (or any person, to wit_______) from legal punishment for the offence of _______punishable under Section _______ of the I.P.C., (or in consideration of his not proceeding against you (or any person, to wit_______) for the purpose of bringing you (or him) to legal punishment), and thereby you committed an offence, punishable under Section 214 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

215. Taking gift to help to recover stolen property, etc:

Whoever takes or agrees or consents to take any gratification under presence or on account of helping any person to recover any movable property of which he shall have been deprived by any offence punishable under this Code, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 215

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That A, the owner of the movable property, to wit __________ was deprived of it by an offence, namely _______punishable under the Indian Penal Code, that you, on or about the_______ day of ________ at ________ took (or agreed or consented to take) some gratification, that you did so under the presence of (or on account of) helping to recover the property, deprived of, that you failed to use all means in your power to cause the offender apprehended and convicted, and that you thereby committed an offence, punishable under Section 215 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

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. - This 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.

Form of Charge:

Model Form of charge under Section 216

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the _____________day of ___________ at ______one AB, who escaped, was charged with (or convicted of) an offence, under Section __________ by the Court of (or one AB was ordered to be apprehended for an offence, punishable under S._____ by a public servant), that you, knowing of the escape of the said AB (or knowing of the said order for apprehension), on or about the _____________day of ___________ harboured (or concealed) him, i.e., the said AB, with the intention of preventing him from being apprehended, and that you thereby committed an offence, punishable under Section 216 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

216-A. Penalty for harbouring robbers or dacoits:

Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Explanation. - For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without [India].

Exception. - This provision does not extend to the case in which the harbour is by the husband or wife of the offender.

Form of Charge:

Model Form of charge under Section 216-A

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That on or about the _____________ day of __________ knowing (or having reason to believe) that AB was about to commit robbery (or dacoity) (or that AB had on or about the _____________day of ___________ committed robbery (or dacoity) at __________), harboured him with the intention of facilitating the commission of robbery (or dacoity) by the said AB (or with the intention of screening the said AB from punishment), and that you thereby committed an offence, punishable under Section 216-A of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."
216-B. Definition of "hourbour" in Sections 212, 216 and 216-A:

Repealed by the Indian Penal Code (Amendment) Act, 1942 (8 of 1942), S. 3.

217. Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture:

Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 217

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the __________day of ____________ at ___ you, being a public servant, knowingly disobeyed the direction of the law as to the way, in which you were to conduct yourself as such public servant, to wit______________(specify the direction of law), intending thereby to save _______(or knowing it to be likely that you would thereby save______________) from legal punishment (or that you would thereby subject him to a less punishment than that to which he was liable or with intent to save, or knowing that you were likely thereby to save, some property, to wit________from forfeiture of any charge to which it is liable by law), and that you thereby committed an offence, punishable under Section 217 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

218. Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture:

Whoever, being a public servant, and being as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 218

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the __________day of _______you being a public servant, charged with the preparation of a record (or writing), to wit__________framed the said record (or writing) in a manner, which you knew to be incorrect ____________(specify the incorrectness of the statement) and which you made with intent to cause (or knowing it to be likely that you would thereby cause) loss (or injury) to the public (or to any person, to wit_______) (or with intent thereby to save, or knowing it to be likely that you will thereby save, any person from legal punishment) (or with intent to save, or knowing that you are thereby likely to save, any property, to wit_______from forfeiture (or other charge) to which it was liable by order of the court of
in Case No. _________of ________) and that you thereby committed an offence, punishable under Section 218 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by the Court on the said charge."

219. Public servant in judicial proceeding corruptly making report, etc., contrary to law:

Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 219

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows: That, on or about the _______________day of ______you, being a public servant, corruptly (or maliciously) made (or pronounced), in any stage of the judicial proceeding, to wit__________a report, (or order, or verdict, or decision, to wit__________), which you knew to be contrary to law, and thereby committed an offence, punishable under Section 219 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

220. Commitment for trial or confinement by person having authority who knows that he is acting contrary to law:

Whoever, being in any office which gives him legal authority to commit persons for trial or to commitment, or to keep persons in confinement, corruptly or maliciously commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 220

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as under: That, on or about the _____________day of ____________ you, being in office, to wit_________which gave you legal authority to commit persons for trial (or to confinement) or to keep persons in confinement, corruptly (or maliciously) committed XY for trial (or to confinement) (or kept XY in confinement) in the exercise of that authority knowing that in so doing, you were acting contrary to law, and thereby committed an offence, punishable under Section 220 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

221. Intentional omission to apprehend on the part of public servant bound to apprehend:

Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say: - with imprisonment of either description for a term which may extend to seven years, with or without fine, if
the person in confinement, or who ought to have been apprehended, was charged with, or liable to be
apprehended for, an offence punishable with death; or

with imprisonment of either description for a term which may extend to three years, with or without fine, if
the person in confinement, or who ought to have been apprehended, was charged with, or liable to be
apprehended for, an offence punishable with [imprisonment for life] or imprisonment for a term which may
extend to ten years; or

with imprisonment of either description for a term which may extend to two years, with or without fine, if
the person in confinement, or who ought to have been apprehended, was charged with, or liable to be
apprehended for, an offence punishable with imprisonment for a term less than ten years.

Form of Charge:

Model Form of charge under Section 221

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, being a public servant, to wit_____________and being, as such public servant, legally bound to
apprehend (or to keep in confinement) one AB, who was, on or about the ________day of
___at_______charged with (or liable to be apprehended for) the offence of ______, punishable with
________________did intentionally omit to apprehend such person (or intentionally suffer the said AB to
escape, or intentionally aid the said AB in escaping or attempting to escape from such confinement), and
that you thereby committed an offence, punishable under Section 221 of the Indian Penal Code, and within
my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

222. Intentional omission to apprehend on the part of public servant bound to apprehend
person under sentence or lawfully committed:

Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in
confinement any person under sentence of a Court of Justice for any offence [or lawfully committed to
custody], intentionally omits to apprehend such person, or intentionally suffers such person to escape or
intentionally aids such person in escaping or attempting to escape from such confinement, shall be
punished as follows, that is to say :-

with [imprisonment for life] or with imprisonment of either description for a term which may extend to
fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended,
is under sentence of death; or

with imprisonment of either description for a term which may extend to seven years, with or without fine, if
the person in confinement or who ought to have been apprehended, is subject, by a sentence of a Court of
Justice, or by virtue of a commutation of such sentence, to [imprisonment for life] or imprisonment for a
term of ten years or upwards; or

with imprisonment of either description for a term which may extend to three years, or with fine, or with
both, if the person in confinement, or who ought to have been apprehended is subject, by sentence of a
Court of Justice, to imprisonment for a term not exceeding to ten years or if the person was lawfully
committed to custody.

Form of Charge:

Model Form of charge under Section 222

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:
That you, on or about the ___________ day of ____________ were a public servant __________(state the office) and as such a public servant, you were legally bound to apprehend (or keep in confinement) one AB, a person under sentence of _____ of the Court of _____________ for the offence of ______ under Section ___________ of the Indian Penal Code (or who had been lawfully committed to custody by _______), that you intentionally omitted to apprehend the said AB (or intentionally suffered the said AB to escape, or intentionally aided that AB in escaping or attempting to escape, from such confinement), and that you thereby committed an offence, punishable under Section 222 of the Indian Penal Code, and within my cognizance (or the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

223. Escape from confinement or custody negligently suffered by public servant:

Whoever, being a public servant legally bound as such public servant to keep in confinement any person charged with or convicted of any offence [or lawfully committed to custody], negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Form of Charge :

Model Form of charge under Section 223

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___________ day of ________ were_______(state the office) and, as such a public servant, were legally bound to keep, in confinement one AB, who was charged with (or convicted of) the offence of ____________ under Section ___________ of the Indian Penal Code (or who was lawfully committed to custody) but you negligently suffered the said AB to escape from confinement and that you thereby committed an offence, punishable under Section 223 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."
And I hereby direct that you be tried by this Court on the said charge.

225. Resistance or obstruction to lawful apprehension of another person:

Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with [imprisonment for life] or imprisonment for a term 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;

or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to [imprisonment for life] or imprisonment, for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with [imprisonment for life] or imprisonment of either description for a term no exceeding ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 225

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________day of ________at ___intentionally offered resistance (or illegal obstruction) to the lawful apprehension of AB for the offence of __________under Section _________of the Indian Penal Code (or rescued or attempted to rescue AB from the custody in which the said AB has lawfully detained for the offence of _____), and that you thereby committed an offence, punishable under Section 225, clause_____of the Indian Penal Code, and within my cognizance (or within the cognizance or the Court of Session).

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

225-A. Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise, provided for:

Whoever being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in Section 221, Section 222 or Section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished -

(a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and

(b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.
Form of Charge:
Model Form of charge under Section 225-A

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _____________ day of _____________ at _____________ being a public servant, legally bound, as such public servant, to apprehend (or to keep in confinement) one AB, intentionally (or negligently) omitted to apprehend the said AB (or suffered the said AB to escape from confinement) and that you thereby committed an offence, punishable under Section 225-A of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

225-B. Resistance or obstruction to lawful apprehension, or escape or escape or rescue in cases not otherwise provided for:

Whoever in any case not provided for in Section 224 or Section 225 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Form of Charge:
Model Form of charge under Section 225-B

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the _____________ day of _____________ you intentionally offered resistance (or illegal obstruction) to the lawful apprehension of yourself (or of AB) by ________(or escaped (or attempted to escape) from the custody of _____________in which you were lawfully detained) rescued (or attempted to rescue) one AB from the custody of _____________in which the said AB was lawfully detained), and thereby committed an offence, punishable under Section 225-B of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

226. Unlawful return from transportation:

Repealed by the Code of Criminal Procedure (Amendment) Act, 1955 (26 of 1955), Section 117 and Schedule, w.e.f. 1.1.1956.

227. Violation of condition of remission of punishment:

Whoever, having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced, if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

Form of Charge:
Model Form of charge under Section 227

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _____________ day of _____________ were convicted in Case No. ________ of _____________ by the Court of _____________ and sentenced to ________ (mention the
of _____________ by the Court of ___________ and sentenced to __________ (mention the punishment), which punishment was remitted on ____________ by the order of _________ on the condition, to wit ________and which condition you accepted and which you knowingly violated in that, on or about _______ day of ________you __________ (state the nature of the violation), and that you thereby committed an offence, punishable under Section 227 of the I.P.C., and within my cognizance (or the cognizance of the Court of Session).

And I hereby direct that you be tried by this Court (or by the said Court) on the said charge."

228. Intentional insult or interruption to public servant sitting in judicial proceeding:

Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, 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.

Form of Charge:

Model Form of charge under Section 228

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ________ day of ______intentionally offered insult (or caused interruption), to wit____________(specify the insult or interruption), to a public servant, to wit _________while he was sitting in a stage of judicial proceeding, namely ________(specify the proceeding), and thereby committed an offence, punishable under Section 228 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

228-A. Disclosure of identity of the victim of certain offences etc:

(1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under Section 376, Section 376-A, Section 376-B, Section 376-C or Section 376-D is alleged or found to have been committed (hereinafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.]

(2) Nothing in sub-section (1) extends to any printing or publication of the name or any matter which may make known the identity of the victim if such printing or publication is -

(a) by or under the order in writing of the officer-in-charge of the police station or the police officer making the investigation into such offence acting in good faith for the purposes of such investigation; or

(b) by, or with the authorisation in writing of, the victim; or

(c) where the victim is dead or minor or of unsound mind, by, or with the authorisation in writing of, the next of kin of the victim:

Provided that no such authorisation shall be given by the next of kin to anybody other than the chairman or the secretary, by whatever name called, or any recognised welfare institution or organisation.

Explanation.- For the purposes of this sub-section, "recognised welfare institution or organisation" means a social welfare institution or organisation recognised in this behalf by the Central or State Government.

(3) Whoever prints or publishes any matter in relation to any proceeding before a court with respect to an offence referred to in sub-section (1) without the previous permission of such court shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.
Explaination. - The printing or publication of the judgment of any High Court or the Supreme Court does not amount to an offence within the meaning of this Section.

229. Personation of a juror or assessor:

Whoever, by personation or otherwise, shall intentionally cause, or knowingly suffer himself to be returned, empanelled or sworn as a juryman or assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled or sworn, or knowing himself to have been so returned, empanelled or sworn contrary to law, shall voluntarily serve on such jury or as such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 229

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about ___________day of ____you intentionally caused (or knowingly suffered) yourself to be returned (or empanelled or sworn) as a jury man (or assessor) in Case No. __________ of ___________ tried by (__________ when you knew that you were not entitled to be so returned) or empanelled or sworn (or you, knowing yourself to have been so returned, empanelled or sworn, contrary to law, voluntarily served on such jury (or as such assessor), and that you thereby committed an offence, punishable under Section 229 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

229-A. Failure by person released on bail or bond to appear in Court:

Whoever, having been charged with an offence and released on bail or on bond without sureties, fails without sufficient cause (the burden of proving which shall lie upon him), to appear in Court in accordance with the terms of the bail or bond, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Explanation. - The punishment under this section is -

(a) in addition to the punishment to which the offender would be liable on a conviction for the offence with which he has been charged; and

(b) Without prejudice to the power of the Court to order forfeiture of the bond.]

Amendment Act, 2005. - Under clause 37 an obligation is cast on the person released on bail or on bond to appear and surrender to custody. In order to enforce this obligation a new section 229-A is being inserted in the Indian Penal Code to prescribe punishment for those who fail to do so. (Note on Clause).

Classification of Offence. - The offence under this section is cognizable, non-bailable, non-compoundable and triable by any Magistrate.

CHAPTER XII
OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS

230. "Coin" defined:
[Coin is metal used for the time being as money, and stamped and issued by the authority of some State or Sovereign Power in order to be so used.]

Indian coin. - [Indian coin is metal stamped and issued by the authority of the Government of India in order to be used as money; and metal which has been so stamped and issued shall continue to be Indian coin for the purposes of this Chapter, notwithstanding that it may have ceased to be used as money.]

Illustrations

(a) Cowries are not coin.

(b) Lumps of unstamped copper, though used as money, are not coin.

(c) Medals are not coin, inasmuch as they are not intended to be used as money.

(d) The coin denominated as the Company's rupees is [Indian coin].

[(e) The "Farukhabad rupee" which was formerly used as money under the authority of the Government of India is [Indian coin] although it is no longer so used.]

231. Counterfeiting coin:

Whoever counterfeits or knowingly performs any part of the process of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation. - A person commits this offence who intending to practice deception, or knowing it to be likely that deception will thereby be practised, causes a genuine coin to appear like a different coin.

Form of Charge:

Model Form of charge under Section 231

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ________day of ________at________counterfeited (or knowingly performed any part of the process of counterfeiting) a coin, to wit_________and thereby committed an offence, punishable under S. 231 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

232. Counterfeiting Indian coin:

Whoever counterfeits, or knowingly performs any part of the process of counterfeiting [Indian coin], 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.

Form of Charge:

Model Form of charge under Section 232

"I (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the ________day of ________at________counterfeited (or knowingly performed any part of the process of counterfeiting) an Indian, coin, to wit_________and thereby committed an offence, punishable under Section 232 of the Indian Penal Code, and within the cognizance of the Court of Session."
233. Making or selling instrument for counterfeiting coin:

Whoever makes or mends, or performs any part of the process of making or mending, or buys, sells or disposes of, any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 233

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___________day of ______at _________made (or mended or performed any part of the process of making or mending, to wit_________or bought or sold or disposed of) a certain die (or instrument), to wit_________for the purpose of being used (or knowing, or having reason to believe, that it was intended to be used) for counterfeiting a coin, to wit______and thereby committed an offence, punishable under Section 233 of the Indian Penal Code, and within my cognizance (or within the cognizance of the Court of Session).

And I hereby direct that you be tried by the said Court on the said charge."

234. Making or selling instrument for counterfeiting Indian coin:

Whoever makes or mends, or performs any part of the process of making or mending, or buys, sells or disposes of, any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting [Indian coin], shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 234

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ________day of __________at ___________made (or mended or performed any part of the process of making or mending, to wit_________or bought or disposed of) a certain die (or instrument), to wit__________for the purpose of being used (or knowing, or having reason to believe, that it was intended to be used) for counterfeiting an Indian coin, to wit_______and thereby committed an offence, punishable under Section 234 of the I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by the said Court on the said charge."

235. Possession of instrument or material for the purpose of using the same for counterfeiting coin:

Whoever is in possession of any instrument or material, for the purpose of using the same for counterfeiting coin, or knowing or having reason to believe that the same is intended to be used for that purpose, 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 Indian Coin. - and if the coin to be counterfeited is [Indian coin], shall be punished with imprisonment of
either description for a term which may extend to ten years, and shall also be liable to fine.

**Form of Charge:**

Model Form of Charge under Section 235

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That on or about the __________ day of ______ at ______ you were in possession of a certain instrument (for material), to wit______(mention it), for the purpose of using the said instrument for counterfeiting a coin, (or Indian coin), to wit________ knowing (or having reason to believe) that the said instrument was intended to be used for the purpose of counterfeiting etc. and thereby committed an offence, punishable under Section 235 of the Indian Penal Code, and within my cognizance (or within the cognizance) of the Court of Session.

And I hereby direct that you be tried by this court (or by the said Court) on the said charge."

**236. Abetting in India the counterfeiting out of India of coin:**

Whoever, being within [India], abets the counterfeiting of coin out of [India], shall be punished in the same manner as if he abetted the counterfeiting of such coin within [India].

**Form of Charge:**

Model Form of Charge under Section 236

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the __________ day of ______ at ______ you, being in India, abetted the counterfeiting of coin out of India and thereby committed an offence, punishable under Section 236 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct that you be tried by the said Court on the said charge."

**237. Import or export of counterfeit coin:**

Whoever imports into [India], or exports therefrom, any counterfeit coin, knowing or having reason to believe that the same is counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

**Form of Charge:**

Model Form of Charge under Section 237

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the __________ day of ______ you imported into (or exported from) ______ a place in India, certain pieces of coins, to wit ______(mention the coins), knowing (or having reason to believe) that the same were counterfeit, and that you thereby committed an offence, punishable under S. 237 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**238. Import or export of counterfeits of the Indian coin:**

Whoever imports into [India], or export therefrom, any counterfeit coin, which he knows or has reason to believe to be counterfeit of [Indian coin], 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.

**Form of Charge:**

Model Form of charge under Section 238

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________ day of __________ imported into (or exported from) India, viz., at ______________ counterfeit Indian coins, to wit ______________ (specify the amount and name of the coins), knowing (or having reason to believe) that the said coins were counterfeit, and that you thereby committed an offence, punishable under S. 238 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct you be tried by this Court on the said charge."

239. Delivery of coin, possessed with knowledge that it is counterfeit:

Whoever, having any counterfeit coin, which at the time when he became possessed of it he knew to be counterfeit, fraudulently or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 239

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows;

That, on or about the ____________ day of _______ at _______ you had a piece of counterfeit Indian coin, to wit _____________ which, at the time you became possessed of it, you knew to be counterfeit and which you fraudulently (or with intent that fraud may be committed) delivered to AB (or attempted to induce AB to receive it), and you thereby committed an offence, punishable under Section 239 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

240. Delivery of Indian coin, possessed with knowledge that it is counterfeit:

Whoever, having any counterfeit coin which is a counterfeit of [Indian coin], and which, at the time when he became possessed of it, he knew to be a counterfeit of [Indian coin], fraudulently or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 240

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows;

That you, on or about the ________ day of __________ at _______ having in your possession, pieces of counterfeit Indian coins, knowing, at the time when you became possessed of the said coins, that they were counterfeit, fraudulently (or with intent that fraud might be committed) delivered the same to one AB (or attempted to induce AB to receive the same), and thereby committed an offence, punishable under Section 240 of the Indian Penal Code, and within the cognizance of the Court of Session."
241. Delivery of coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit:

Whoever delivers to any other person as genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin counterfeited, or with both.

Illustration

A, a coiner, delivers counterfeit Company's rupees to his accomplice B, for the purpose of uttering them. B sells the rupees to C, another utterer, who buys them knowing them to be counterfeit. C pays away the rupees for goods to D, who receives them, not knowing them to be counterfeit. D, after receiving the rupees, discovers that they are counterfeit and pays them away as if they were good. Here D is punishable only under this section, but B and C are punishable under Section 239 or 240, as the case may be.

Form of Charge:

Model Form of charge under Section 241

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ____________day of ____________at _____you delivered, to AB, as genuine (or attempted) to induce AB to receive as genuine), a coin, Ex_______which was counterfeit and which you then knew to be counterfeit, though you did not know it to be counterfeit at the time when you took it into your possession, and you thereby committed an offence, punishable under Section 241 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

242. Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof:

Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, shall be punished with imprisonment of either description for a term may extend to three years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 242

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ____________day of ____________at __________you fraudulently (or with intent that fraud might be committed) were in possession of Ex__________being counterfeit, knowing, at the time when you became possessed of the same, that they were counterfeit, and thereby committed an offence, punishable under Section 242 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

243. Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof:
Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, which is a counterfeit of [Indian coin], having known at the time when he became possessed of it that it was counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 243

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___________day of _________at ________ fraudulently (or with intent that fraud might be committed) were in possession of _________ pieces of counterfeit Indian coin, knowing, at the time when you became possessed of that said coins, that they were counterfeit, and thereby committed an offence, punishable under Section 243 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

244. Person employed in mint causing coin to be of different weight or composition from that fixed by law:

Whoever, being employed in any mint lawfully established in [India], does any act, or omits what he is legally bound to do, with the intention of causing any coin issued from the mint to be of a different weight or composition from the weight or composition fixed by law, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 244

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the __________day of _________at _______you, being employed as __________in the ____________mint, lawfully established in India did an act, to wit_______(specify the act) or omitted what you were legally bound to do (specify the omission), with the intention of causing the coin, issued from the said mint, to be of a different weight or composition from the weight or composition, fixed by law, and thereby committed an offence, punishable under Section 244 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

245. Unlawfully taking coining instrument from mint:

Whoever, without lawful authority, takes out of any mint, lawfully established in [India], any coining tool or instrument, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 245

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________day of _________at _________ without lawful authority, took out of a mint, to wit __________, lawfully established in India, a certain coining tool (or instrument), to wit and
thereby committed an offence, punishable under Section 245 of the Indian Penal Code, and within my
cognizance.

And I hereby direct that you be tried by this Court on the said charge.

246. Fraudulently or dishonestly diminishing weight or altering composition of coin:

Whoever fraudulently or dishonestly performs on any coin any operation which diminishes the weight or
alters the composition of that coin, shall be punished with imprisonment of either description for a term
which may extend to three years, and shall also be liable to fine.

Explanation. - A person who scoops out part of the coin and puts anything else into the cavity alters the
composition of that coin.

Form of Charge:

Model Form of charge under Section 246

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _____________day of ____at ______fraudulently (or dishonestly) performed,
on the coin, to wit_______an operation, which diminished its weight (or altered its composition), and you
thereby committed an offence, punishable under S. 246 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

247. Fraudulently or dishonestly diminishing weight or altering composition of Indian coin:

Whoever fraudulently or dishonestly performs on any [Indian coin] any operation which diminishes the
weight or alters the composition of that coin, shall be punished with imprisonment of either description for
a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 247

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _____________day of ____________ at ____________ fraudulently (or
dishonestly) performed, on an Indian coin, to wit______________an operation, which diminished its weight
(or altered its composition), and you thereby committed an offence, punishable under Section 247 of the
Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

248. Altering appearance of coin with intent that it shall pass as coin of different
description:

Whoever performs on any coin any operation which alters the appearance of that coin, with the intention
that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of
either description for a term which may extend to three years, and shall also be liable to fine.

Form of Charge:

Model From of charge under Section 248
"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ____________ day of ______________ at ______________ you performed an operation on the coin, Exhibit ______________, which altered the appearance of the said coin with the intention that the said coin shall pass as a coin of a different description, and you thereby committed an offence, punishable under Section 248 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

249. Altering appearance of Indian coin with intent that it shall pass as coin of different description:

Whoever performs on [any Indian coin] any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 249

The form of charge, given under the proceeding Section 248, may be adopted subject to the following changes:

(a) the word "Indian" should be inserted before the word "coin" and

(b) the figure "249" should be substituted for the figure "248"

250. Delivery of coin, possessed with knowledge that it is altered:

Whoever, having coin in his possession with respect to which the offence defined in Section 246 or 248 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 250

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ____________ day of ______________ at ______________ you had, in your possession, a coin, Exhibit ______________ with respect to which the offence, defined in S. 246 (or S. 248) of the Indian Penal Code, had been committed, and, having known, at the time when you became possessed of the said coin, that such offence had been committed with respect to it, you fraudulently (or with intent that fraud might be committed) delivered such coin AB (or attempted to induce AB to receive the same), and thereby committed an offence, punishable under S. 250 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

251. Delivery of Indian coin, possessed with knowledge that it is altered:

Whoever, having coin in his possession with respect to which the offence defined in Section 247 or 249 has been committed, and having known at the time when he became possessed of such coin that such
offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Form of Charge :**

Model Form of charge under Section 251

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows;

That you, on or about the _____________day of ___________ at ______ had in your possession, a coin, wit __________ in respect of which the offence, defined in Section 247 (or Section 249) of the Indian Penal Code, had been committed, and, knowing, at the time, when you became possessed of the said coin, that such offence had been committed, you fraudulently (or with intent that fraud might be committed) delivered such coin to AB (or attempted to induce AB to receive the same), and thereby committed an offence, punishable under Section 251 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct that you be tried by the said Court on the said charge."

**252. Possession of coin by person who knew it to be altered when he became possessed thereof:**

Whoever, fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the Sections 246 or 248 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

**Form of Charge :**

Model Form of charge under Section 252

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ______ day of _________ at ________ fraudulently (or with intent that fraud might be committed) had, in your possession, the coin, to wit ___________ in respect of which the offence, defined in S. 246 (or Section 248) of the Indian Penal Code, had been committed, having known, at the time of becoming possessed thereof, that such offence had been committed with respect to the said coin, and thereby committed an offence, punishable under Section 252 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**253. Possession of Indian coin by person who knew it to be altered when he became possessed thereof:**

Whoever, fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the Section 247 or 249 has been committed having known at the time of becoming possessed thereof, that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

**Form of Charge :**
Model Form of charge under Section 253

The form of charge, given under the preceding S. 252, may be adopted subject to the change that, for the figures "246", "248" and "252" the figures "247", "249" and "253" should respectively be substituted.

254. Delivery of coin as genuine which, when first possessed, the deliverer did not know to be altered:

Whoever delivers to any other person a genuine or as a coin of a different description from what it is, or attempts to induce any person to receive as genuine, or as a different coin from what it is, any coin in respect of which he knows that any such operation as that mentioned in Section 246, 247, 248 or 249 has been performed, but in respect of which he did not, at the time when he took it into his possession, knew that such operation had been performed, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin for which the altered coin is passed, or attempted to be passed.

Form of Charge:

Model Form of charge under Section 254

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the __________day of __________at __________you delivered to AB as genuine (or as a coin of different description from what it was) or attempted to induce AB to receive as genuine (or as a different coin from what it was), a coin, in respect of which you knew that on operation, as is mentioned in Section 246 (or Section 247, 248 or 249) of the Indian Penal Code, had been performed, but in respect of which you did not, at the time, when you took the same into possession, know that such operation had been performed, and thereby committed an offence, punishable under Section 254 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

255. Counterfeiting Government stamp:

Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any stamp issued by Government for the purpose of revenue, 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.

Explanation. - A person commits this offence who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of a different denomination.

Form of Charge:

Model Form of charge under Section 255

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________day of __________at __________counterfeited (or knowingly performed a part of the process of counterfeiting) a stamp, Ex. ____________ issued, by Government, for the purpose of revenue, and thereby committed an offence, punishable under S. 255 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct that you be tried by the said Court on the said charge."

256. Having possession of instrument or material for counterfeiting Government stamp:
Whoever has in his possession any instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose or revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 256

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _______day of __________ at __________ had, in your possession, an instrument (or material) for the purpose of being used (or knowing, or having reason to believe, that it was intended to be used) for the purpose of counterfeiting a stamp, to wit _______ issued, by Government, for the purpose of revenue, and thereby committed an offence, punishable under Section 256 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

257. Making or selling instrument for counterfeiting Government stamp:

Whoever makes or performs any part of the process of making, or buys, or sells, or disposes of, any instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 257

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the _______day of __________ at __________ you made (or performed any part of the process of making or bought or sold or disposed of) an instrument, Exhibit ____________, for the purpose of being used (or knowing, or having reason to believe, that it was intended to be used) for counterfeiting a stamp, to wit__________ issued, by Government, for the purpose of revenue and thereby committed an offence, punishable under S. 257 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

258. Sale of counterfeit Government stamp:

Whoever sells, or offers for sale, any stamp which he knows or has reason to believe to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 258

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _______day of __________ at __________ sold (or offered for sale) a stamp, to wit____________ which you knew, or had reason to believe, to be counterfeit of the stamp, issued, by Government, for the purpose of revenue, and thereby committed an offence, punishable under
Section 258 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

259. Having possession of counterfeit Government stamp:

Whoever has in his possession any stamp which he knows to be a counterfeit of any stamp issued by Government for the purpose of revenue, intending to use, or dispose of the same as a genuine stamp, or in order that it may be used as a genuine stamp, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 259

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________day of _______at _________were in possession of a stamp, Exhibit___________which you knew to be a counterfeit of a stamp, to wit _________issued, by Government, for the purpose of revenue, intending to use (or to dispose of) the same as a genuine stamp (or in order that the same might be used as a genuine stamp), and thereby committed an offence, punishable under Section 259 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."
Model Form of charge under Section 261

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ________________day of ______________ at _____________, fraudulently (or with intent to cause loss to the Government) removed (or effaced) from any substance, bearing a stamp, issued, by Government, for the purpose of revenue, a writing (or document), for which such stamp had been used (or removed, from any writing or document), a stamp, which had been used for such writing (or document), in order that such stamp may be used for a different writing (or document), and thereby committed the offence, punishable under Section 261 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

262. Using Government stamp known to have been before used:

Whoever, fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 262

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________day of _____________ at ______________ fraudulently (or with intent to cause loss to Government) used, for the purpose of_________________a stamp, issued, by the Government, for the purpose of revenue, which you knew to have been before used, and thereby committed that offence, punishable under S. 262 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

263. Erasure of mark denoting that stamp has been used:

Whoever, fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by Government for the purpose of revenue, any mark, put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession or sells or disposes of any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 263

"I (name and office of the Magistrate, etc.) do hereby charge you (name of the accused) as follows:

That you, on or about the _______________ day of ______________ at ___________ fraudulently (or with intent to cause loss to Government) erased (or removed), from a stamp, issued, by Government for the purpose of revenue, a mark, put (or impressed), upon such stamp, for the purpose of denoting that the same had been used, or knowingly had, in you possession (or sold) (or disposed of), a stamp, from which mark, put (or impressed), upon such stamp, for the purpose of denoting that the same had been used, had been erased (or removed) (or sold) (or disposed of) a stamp, which you knew to have been used and thereby committed the offence, punishable under Section 263 of the Indian Penal Code, and within my cognizance.
263-A. Prohibition of fictitious stamps:

(1) Whoever -

(a) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly uses for any postal purpose any fictitious stamp, or

(b) has in his possession, without lawful excuse, any fictitious stamp, or

(c) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp, shall be punished with fine which may extend to two hundred rupees.

(2) Any such stamps, die, plate, instrument or materials in the possession of any person for making any fictitious stamp [may be seized and, if seized,] shall be forfeited.

(3) In this section "fictitious stamp" means any stamp falsely purporting to be issued by Government for the purpose of denoting a rate of postage, or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by Government for that purpose.

(4) In this section and also in sections 255 to 263, both inclusive, the word "Government", when used in connection with, or in reference to, any stamp issued for the purpose of denoting a rate of postage, shall, notwithstanding anything in section 17, be deemed to include the person or persons authorized by law to administer executive government in any part of India, and also in any part of Her Majesty's dominions or in any foreign country.

Form of Charge:

Model Form of charge under Section 263-A

"I (name and office of Magistrate, etc.) do hereby charge you (name of the accused) as follows:

That, on or about the ______________ day of ____________ you made (or knowingly uttered, dealt in, or so) fictitious stamp (or knowingly used, for the postal purpose, the fictitious stamp) or had, in your possession, without lawful excuse, the fictitious stamp (or made, or had, without lawful excuse, in your possession, die plate, instrument or material for making a fictitious stamp) and thereby committed an offence, punishable under Section 263-A of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

CHAPTER XIII
OF OFFENCES RELATING TO WEIGHTS AND MEASURES

264. Fraudulent use of false instrument for weighing:

Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 264
"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _______day of ____________at _______fraudulently used a certain instrument for weighing, to wit__________knowing it to be false at the time of using it and thereby committed an offence, punishable under S. 264 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

265. Fraudulent use of false weight or measure:

Whoever fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

*Form of Charge :*

Model Form of charge under Section 265

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ______________day of ________at_______fraudulently used a false weight (or false measure of length or capacity) (or fraudulently used a weight or a measure of length or capacity) as a different weight (or measure) from what it was, and thereby committed an offence, punishable under Section 265 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

266. Being in possession of false weight or measure:

Whoever is in possession of any instrument for weighing, or of any weight, or of any measure of length or capacity, which he knows to be false,[*] intending that the same may be fraudulently used, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

*Form of Charge :*

Model Form of charge under Section 266

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the____________day of ____________at__________ were in possession of an instrument for weighing (or a measure of length or capacity), to wit____________, which you knew to be false, intending that the same might be fraudulently used, and thereby committed an offence, punishable under Section 266 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

267. Making or selling false weight or measure:

Whoever makes, sells or disposes of any instrument for weighing, or any weight, or any measure of length or capacity which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

*Form of Charge :*
Model Form of charge under Section 267

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________day of _________at_______made (or sold, or disposed of) an instrument for weighing (or a weight, or a measure of length or capacity), which you knew to be false, in order that the same might be used as true (or knowing that the same was likely to be used as true), and thereby committed an offence, punishable under Section 267 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

CHAPTER XIV
OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS

268. Public nuisance:

A person is guilty of a public nuisance who does not act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.

A common nuisance is not excused on the ground that it causes some convenience or advantage.

269. Negligent act likely to spread infection of disease dangerous to life:

Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 269

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you unlawfully (or negligently) did an act which you knew (or had reason to believe) to be likely to spread the infection of _____________a disease, dangerous to life, and thereby committed an offence, punishable under Section 269 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

270. Malignant act likely to spread infection of disease dangerous to life:

Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 270
"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the _____________day of ____________ you malignantly did an act, to wit ________________ which you knew (or had reason to believe) to be likely to spread the infection of a disease ________________ (name of the disease), dangerous to life, and thereby committed an offence, punishable under Section 270 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

271. Disobedience to quarantine rule:

Whoever knowingly disobeys any rule made and promulgated [by the Government for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.]

Form of Charge:

Model Form of charge under Section 271

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the day of ___________ you knowingly disobeyed the quarantine rule, to wit ______________ made and promulgated the quarantine rule, to wit ______________ made and promulgated by the government for putting any vessel into a state of quarantine with the shore (or with other vessels) (or for regulating the intercourse between places, where an infectious disease prevailed, and other places), and thereby committed an offence, punishable under Section 271 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

272. Adulteration of food or drink intended for sale:

Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished 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.

STATE AMENDMENTS:

Uttar Pradesh: In Sections 272, 273, 274, 275 and 276 for the words "shall be punished 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" the following shall be substituted, namely -

"shall be punished with imprisonment for life and shall also be liable to fine:

Provided that the Court may, for adequate reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life" [Vide U.P. Act No. 47 of 1975].

West Bengal: In its application to the State of West Bengal in Sections 272, 273, 274, 275 and 276 for the words "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" the following shall be substituted, namely-

"for life with or without fine:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life." [Vide W.B. Act No. 42 of 1973 w.e.f.}
Form of Charge:

Model Form of charge under Section 272

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the day of __________ at __________ you adulterated an article of food (or drink), to wit ________________ so as to make such article noxious as food (or drink), intending to sell such article as food (or drink) (or knowing it to be likely that the same will be sold as food (or drink), and thereby committed an offence, punishable under Section 272 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

273. Sale of noxious food or drink:

Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished 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.

Form of Charge:

Model Form of charge under Section 273

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the day of ________________ at ______________ you sold (or offered, or exposed, for sale) as food (or drink), an article, to wit ________________ which had been rendered noxious (or which had become noxious) (or which was, in a state, unfit) for food (or drink) knowing (or having reason to believe) that the same was noxious as food (or drink), and thereby committed an offence, punishable under Section 273 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

274. Adulteration of drugs:

Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished 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.

Form of Charge:

Model Form of charge under Section 274

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the __________ day of __________ at __________ you adulterated the drug (or medical preparation), to wit ________________ in such a manner as to lessen the efficacy (or to change the operation) of such drug (or medical preparation) or to make it noxious, intending that it shall be sold (or used) for (or knowing it to be likely that it will be sold (or used) (for) any medical purpose as if it had not undergone such adulteration, and thereby committed an offence, punishable under Section 274 of the Indian Penal Code, and within my cognizance.
And I hereby direct that you be tried by this Court on the said charge."

275. Sale of adulterated drugs:

Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medical purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine with may extend to one thousand rupees, or with both.

Form of Charge:

Model form of charge under Section 275

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the day of ________________ at_____________ you, knowing the drug (or medical preparation), to wit________________ to have been adulterated in such a manner as to lessen its efficacy (or to change its operation) (or to render it noxious), sold the same (or offered, or exposed, it for sale) (or issued it, from the dispensary, to wit _______________ for medicinal purpose, as unadulterated) (or caused it to be used, for medicinal purposes, by any person, not knowing of the adulteration) and thereby committed an offence, punishable under Section 275 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

276. Sale of drug as a different drug or preparation:

Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished 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.

Form of Charge:

Model form of charge under Section 276

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the day of ___________at __________you knowingly sold (or offered, or exposed, for sale) (or issued, from a dispensary, to wit_________) for medicinal purposes, the drug (or medical preparation) to wit_____________ as a different drug (or medical preparation) and thereby committed an offence, punishable under Section 276 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

277. Fouling water of public spring or reservoir:

Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to three months, or with the fine which may extend to five hundred rupees, or with both.

Form of Charge:

Model Form of charge under Section 277
"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _________________ day of _____________ at ______________ voluntarily corrupted (or fouled) the water of the public spring (or reservoir), to wit ________________ so as to render it less fit for the purposes, for which it is ordinarily used, and thereby committed an offence, punishable under Section 277 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

278. Making atmosphere noxious to health:

Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along public way, shall be punished with fine which may extend to five hundred rupees.

Form of Charge:

Model Form of charge under Section 278

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _____________day of _________at __________voluntarily vitiated the atmosphere of _________ (name and place) so as to make it noxious to the health of person, in general, dwelling (or carrying on business) in the neighbourhood (or passing along a public way), and thereby committed an offence, punishable under Section 278 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

279. Rash driving or riding on a public way:

Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt to injury to any other person, shall be punished 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.

Form of Charge:

Model Form of charge under Section 279

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _____________day of ________at _________drove a vehicle (name the vehicle) (or rode) on a public way (name the way) in a manner so rash or negligent as to endanger human life (or to be likely to cause hurt (or injury) to any other person, and thereby committed an offence, punishable under Section 279 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

280. Rash navigation of vessel:

Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment or either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Form of Charge:
Model Form of charge under Section 280

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________ day of ____________ at __________ navigated a vessel (name the vessel) in a manner so rash (or negligent) as to endanger human life (or to be likely to cause hurt (or injury) to any other person), and thereby committed an offence, punishable under Section 280 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

281. Exhibition of false light, mark or buoy:

Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 281

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________ day of __________ at __________ exhibited a false light (or mark or buoy), intending (or knowing it to be likely) that such exhibition would mislead the navigator, and thereby committed an offence, be punishable under Section 281 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

282. Conveying person by water for hire in unsafe or overloaded vessel:

Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or as loaded as to endanger the life of that person, shall be punished 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.

Form of Charge:

Model Form of charge under Section 282

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _______________ day of __________ at _________ knowingly (or negligently) conveyed (or caused to be conveyed), for hire, a person, namely _______________ by water in the vessel (name the vessel), when that vessel was in such a state (or as loaded) as to endanger the life of the said person, and thereby committed an offence, punishable under Section 282 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

283. Danger or obstruction in public way or line of navigation:

Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to two hundred rupees.
**Form of Charge:**

Model Form of charge under Section 283

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___________day of ________at _________ did____name the act (or omitted to take order) with the property, to wit___________ in your possession (or under you charge) and caused danger, obstruction or injury to _____________(name the person) in the public way (or in the public line of navigation, namely ___________and thereby committed an offence, punishable under Section 283 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

284. Negligent conduct with respect to poisonous substance:

Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person, or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard any probable danger to human life from such poisonous substance, shall be punished 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.

**Form of Charge :**

Model Form of charge under Section 284

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___________day of ______________did (name the act) with _________(name the poisonous substance) in a manner so rash (or negligent) as to endanger human (life) or to be likely to cause hurt (or injury) to _____(name the person ) (or knowingly) (or negligently) omitted to take such order with ________(name the poisonous substance) in you possession as is sufficient to guard against the probable danger to human life from such poisonous substance), and thereby committed an offence, punishable under Section 284 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

285. Negligent conduct with respect to fire or combustible matter:

Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished 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.

**Form of Charge :**

Model Form of charge under Section 285

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___________day of _____at ______did with fire (or with the combustible matter) ____________(name the act) so rashly (or negligently) as to endanger human (life) or to be likely to cause hurt (or injury) to ____ (name the other person) (or knowing) (or negligently) omitted to take such order
with fire (or with combustible matter) in you possession as was sufficient to guard against any probable
danger to human life from such fire (or combustible matter), and thereby committed an offence, punishable
under Section 285 of the Indian Penal Code, within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

286. Negligent conduct with respect to explosive substance:

Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or
to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order
with any explosive substance in his possession as is sufficient to guard against any probable danger to
human life from that substance, shall be punished 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.

*Form of Charge:*

Model Form of charge under Section 286

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________day of __________acted, with _________(name the explosive
substance), so rashly (or negligently) as to endanger human life (or to be likely to cause hurt, (or injury) to
__________(name the person) (or knowingly (or negligently) omitted to take such order with
__________(name the explosive substance) in your possession as was sufficient to guard against any
probable danger to human life from the said substance), and thereby committed an offence, punishable
under Section 286 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

287. Negligent conduct with respect to machinery:

Whoever does, with any machinery, any act so rashly or negligently as to endanger human life or to be likely
to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any
machinery in his possession or under his care as is sufficient to guard against any probable danger to
human life from such machinery, shall be punished 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.

*Form of Charge:*

Model Form of charge under Section 287

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________day of __________at _________acted with ___________(name of
the machinery) so rashly (or negligently) as to endanger human life (or to be likely to cause hurt (or injury)
to ________(name the person) (or knowingly (or negligently) omitted to take such order with ______(name
the machinery) in you possession as was sufficient to guard against any probable danger to human life
from the said machinery), and thereby committed an offence, punishable under Section 287 of the Indian
Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

288. Negligent conduct with respect to pulling down or repairing buildings:

Whoever, in pulling down or repairing any building, knowingly or negligently omits to take such order with
that building as is sufficient to guard against any probable danger to human life from the fall of that
building, or of any part thereof, shall be punished 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.

**Form of Charge:**

Model Form of charge under Section 288

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, or about the __________day of __________ at __________ by pulling down (or repairing)
__________ (name the building), knowingly (or negligently) omitted to take such order with ___________(name
the building), as was sufficient to guard against any probable danger to human life from the fall of (or of
any part of) __________(name the building), and thereby committed an offence, punishable under Section
288 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

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289. Negligent conduct with respect to animal:

Whoever knowingly or negligently omits to take such order with any animal in his possession as is
sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt
from such animal, shall be punished 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.

**Form of Charge:**

Model Form of charge under Section 289

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________day of __________ knowingly (or negligently) omitted to take such
order with __________ (name the animal) in your possession, as was sufficient to guard against any
probable danger to human life (or any probable danger of grievous hurt) from such animal, and thereby
committed the offence, punishable under Section 289 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

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290. Punishment for public nuisance in cases not otherwise provided for:

Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished
with fine which may extend to two hundred rupees.

**Form of Charge:**

Model Form of charge under Section 290

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the __________day of __________ at __________ committed __________(name the
public nuisance and thereby committed an offence, punishable under Section 290 of the Indian Penal
Code, and within my cognizance.

And I hereby direct that you be tried by this court on the said charge."

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291. Continuance of nuisance after injunction to discontinue:

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Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

**Form of Charge :**

Model Form of charge under Section 291

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___________day of _______at _________repeated (or continued)_______(name the public nuisance), having been enjoined by ___________(name the public servant), who had lawful authority to issue such injunction not to repeat (or continue)____________(name the nuisance), and thereby committed an offence, punishable under Section 291 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

292. Sale, etc., of obscene books, etc:

[(1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.]

[(2)] Whoever -

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or

(b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or

(c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or

(e) offers or attempts to do any act which is an offence under this section, shall be punished [on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees].

[Exception. - This section does not extend to-

(a) any book, pamphlet, paper, writing, drawing, painting, representation or figure -

(i) the publication of which is proved to be justified as being for the public good on the ground that such
book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art of learning or other objects of general concern, or

(ii) which is kept or used bona fide for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented on or in -

(i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), or

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.]

STATE AMENDMENTS:

Orissa: Same as in Tamil Nadu [Vide Orissa Act No. 13 of 1962].

Tamil Nadu: In Section 292 the words "shall be punished with imprisonment of either description for a term which may extend to three months or with fine or with both" substituted the following, namely:

shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both:

Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years and with fine.

After section 292 following section 292-A be inserted;

292-A. Printing etc. of grossly indecent or scurrilous matter or matter intended for blackmail:

Whoever, -

(a) prints or causes to be printed in any newspaper, periodical or circular, or exhibits or causes to be exhibited, to public view or distributes or causes to be distributed or in any manner puts into circulation any picture or any printed or written document which is grossly indecent, or is scurrilous or intended for blackmail; or

(b) sells or lets for hire, or for purposes of sale or hire makes, produces or has in his possession, any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail; or

(c) conveys any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail knowing or having reason to believe that such picture or document will be printed, sold, let for hire, distributed or publicly exhibited or in any manner put into circulation; or

(d) takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such newspaper, periodical, circular, picture or other printed or written document is printed, exhibited, distributed, circulated, sold, let for hire, made, produced, kept, conveyed or purchased; or

(e) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such newspaper, periodical, circular, picture or other printed or written document which is grossly indecent or is scurrilous or intended for blackmail, can be procured from or through any person; or

(f) offers or attempts to do any act which is an offence under this section shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both:
Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years.

Explanation I. - For the purposes of this section, the word scurrilous shall be deemed to include any matter which is likely to be injurious to morality or is calculated to injure any person:

Provided that it is not scurrilous to express in good faith anything whatever respecting the conduct of -

(i) a public servant in the discharge of his public functions or respecting his character so far as his character appears in that conduct and no further; or

(ii) any person touching any public question, and respecting his character, so far as his character appears in that conduct and no further.

Explanation II. - In deciding whether any person has committed an offence under this section, the Court shall have regard inter alia, to the following considerations -

(a) the general character of the person charged, and where relevant the nature of his business;

(b) the general character and dominant effect of the matter alleged to be grossly indecent or scurrilous or intended for blackmail;

(c) any evidence offered or called by or on behalf of the accused person as to his intention in committing any of the acts specified in this section. [Vide Tamil Nadu Act No. 25 of 1960]

Form of Charge:

Model Form of charge under Section 292

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ______________day of________________ at __________ you sold (or let to hire, distributed, or publicly exhibited, or put into circulation) or, for that purpose, made, produced or had, in your possession, an obscene book, pamphlet, paper, drawing, painting, representation or figure, or any other object namely__________ (name the book, etc.) (or imported, exported or conveyed an obscene object for any such purpose, or knowing or having reason to believe that it will be sold, etc.) (or took part in, or received profits from a business, in the course of which you knew or had reason to believe, that such object was, for the purposes aforesaid, made, produced, purchased, kept, imported, exported, publicly exhibited or put into circulation) (or advertised or made known to the public that __________ (name the person) was engaged, or was ready, to do any act which is an offence under Section 292 of the Indian Penal Code, or that any such obscene object could be procured from such person) (or offered or attempted to do any such act which is an offence under Section 292 of the Indian Penal Code), and thereby committed an offence, punishable under Section 292 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge"

293. Sale, etc., of obscene objects to young person:

Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished [on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees].

STATE AMENDMENTS:
Orissa: Same as in Tamil Nadu [Vide Orissa Act No. 13 of 1962].

Tamil Nadu: In Section 293 -

(a) for the words "any such obscene object as is referred to in the last preceding section" the words, figures and letter "any such obscene object as is referred to in Section 292 or any such newspaper, periodical, circular, picture or other printed or written document as is referred to in Section 292-A" shall be substituted;

(b) for the words "which may extend to six months" the words "which may extend to three years" shall be substituted;

(c) in the marginal note, after the words "obscene objects" the words "any grossly indecent or scurrilous matter intended for blackmail shall be inserted".[Vide Tamil Nadu Act No. 25 of 1960]

Form of Charge:

Model Form of charge under Section 293

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___________day of __________ at __________ sold (or let to hire, or distributed, or exhibited, or circulated), to __________________ (name the person), who was under the age of twenty years,_______________________ (name the obscene object), or offered or attempted to do so, and thereby committed an offence, punishable under Section 293 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

294. Obscene acts and songs:

Whoever, to the annoyance of others,

(a) does any obscene act in any public place, or

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.]

Form of Charge:

Model Form of the charge under Section 294

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___________day of ____________at ____________ to the annoyance of __________________ (name the persons), did the obscene act ____________ (name the obscene act) in __________________ (name the public place) (or sung or recited or uttered)____________ (name the song, or ballad or words), which was an obscene song (or ballad or words), in (or near) _______________ (name the public place), and thereby committed an offence, punishable under Section 294 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by his Court on the said charge."

294-A. Keeping lottery office:
Whoever keeps any office or place for the purpose of drawing any lottery [not being [a State lottery] or a lottery authorized by the [State] Government], shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number of figure in any such lottery, shall be punished with fine which may extend to one thousand rupees.

STATE AMENDMENTS:

Andhra Pradesh: In Andhra Pradesh, Section 294-A repealed. [Vide Andhra Pradesh Act No. 16 of 1968, Section 27].

Karnataka: In Karnataka area except Bellary District Section 294-A repealed 27 of 1957. [Vide Karnatka Act No. 27 of 1957]

Gujarat: In Gujarat, Section 294-A repealed by Bombay Act No. 82 of 1958. [Vide Bombay Act No. 82 of 1958].

Maharashtra: In Maharashtra, Section 294-A repealed. [Vide Bombay Act No. 82 of 1958]

Form of Charge:

Model Form of charge under Section 294-A

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ________ day of _________ at ________ kept an office (or place) for the purpose of drawing a lottery, not being a State Lottery (or a lottery authorized by the State Government (or published a proposal ________ to pay a sum (or to deliver goods ) (or to do, or to forbear doing, anything) for the benefit of any person on an event (or contingency) relative (or applicable) to the drawing of ticket, lot, number or figure in a lottery, not being a State lottery (or a lottery authorized by the State Government), and thereby committed an offence, punishable under Section 294-A of the Indian Penal Code, and within my cognizance.

An I hereby direct that you be tried by this Court on the said charge."

CHAPTER XV
OF OFFENCES RELATING TO RELIGION

295. Injuring or defiling place of worship with intent to insult the religion of any class:

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 295

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:
That, on or about the ______________ day of ______________ at __________ you destroyed (damaged or defiled) ___________(name the place of worship) (or an object, held sacred, by a class of persons, namely _________(mention the class), with the intention of thereby insulting the religion of a class of persons, namely ___________( or with the knowledge that any class of persons were likely to consider the said destruction, damage or defilement as an insult to their religion), and you thereby committed an offence, punishable under Section 295 of the I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

295-A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs:

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [citizens of India], [by words, either spoken or written, or by signs or by visible representations or otherwise], insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to [three years], or with fine, or with both.]

Form of Charge :

Model Form of charge under Section 295-A

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the _____________day of _____________at _______ you insulted (or attempted to insult) the religion (or the religious beliefs) of a class of citizens of India, namely ____________(name the particular class of citizens of India), by the following words, spoken or written (or by signs or by visible representations or otherwise), to wit ______________with the deliberate and malicious intention of outraging the religious fillings of the said class of citizens, and thereby committed an offence, punishable under Section 295-A of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

296. Disturbing religious assembly:

Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Form of Charge :

Model Form of charge under Section 296

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ________________ day of _____________at _______ you voluntarily caused disturbance, by ______________(specify the act), to an assembly, to wit_________________ which was lawfully engaged in the performance of religious worship (or religious ceremonies), and you thereby committed an offence, punishable under Section 296 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

297. Trespassing on burial places, etc:  

Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion
of any person is likely to be insulted thereby,

commits any trespass in any place of worship or on any place of sepulture, or any place set apart from the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**Form of Charge:**

Model Form of charge under Section 297

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ____________day of _________at ________you committed trespass in a place of worship (or on a place of sepulture) (or on a place, set apart, for the performance of funeral rights, or as a depository for the remains of the dead), namely _____________(or offered an indignity to the corpse of ___________,(name the person to whose corpse indignity was offered), (or caused disturbance to person/persons, to wit_________________assembled for the performance of funeral ceremonies), with the intention of wounding the feelings _______________(name the person/persons whose feelings were wounded) (or with the intention of insulting the religion of _______(name the person/persons whose religion was insulted) (or with the knowledge that the feelings of _____________(name the person/persons) were likely to be wounded) (or with the knowledge that the religion of _________(name the person/persons) was likely to be insulted), and you thereby committed an offence under Section 297 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

298. Uttering, words, etc., with deliberate intent to wound the religious feelings of any person:

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**Form of Charge:**

Model form of charge under Section 298

"I (name and office of Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the _________________day of ___________you uttered the words, to wit ________________in the hearing of _____________(name the person) (or made a sound, to wit________________in the hearing of _________________(name the person) (or made a gesture, to wit______________, in the sight of ______________ (name the person) or placed an object, to wit_______________in the sight of __________(name the person), with the deliberate intention of wounding the religious feelings of the said person, and thereby committed an offence, punishable under Section 298 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

CHAPTER XVI
OF OFFENCES AFFECTING THE HUMAN BODY
OF OFFENCES AFFECTING LIFE
299. Culpable homicide:

Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Illustrations

(a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

(b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

(c) A, by shooting at a fowl with intent to kill and steal it, kills B who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.

Explanation 1. - A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2. - Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3. - The causing of the death of child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

300. Murder:

Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or -

2ndly. - It is done with intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or -

3rdly. - If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or -

4thly. - If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Illustrations

(a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(b) A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow
as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

(c) A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here, A is guilty of murder, although he may not have intended to cause Z's death.

(d) A without any excuse fires a loaded cannon into a crown of persons and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

Exception 1. - When culpable homicide is not murder. - Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisos:

First. - That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

Secondly. - That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly. - That the provocation is not given by anything done in the lawful exercise of the right of private defence.

Explanation. - Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.

Illustrations

(a) A, under the influence of passion excited by a provocation given by Z, intentionally kills, Y, Z's child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(b) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.

(c) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in the exercise of his powers.

(d) A appears as a witness before Z, a Magistrate, Z says that he does not believe a words of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.

(e) A attempts to pull Z's nose, Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, inasmuch as the provocation was given by a thing done in the exercise of the right of private defence.

(f) Z strikes B. B is by this provocation excited to violent rage. A, a bystander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2. - Culpable homicide is not murder if the offender, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any
intention of doing more harm that in necessary for the purpose of such defence.

Illustration

Z attempts to horsewhip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other means prevent himself from being horsewhipped, shoots Z to death. A has not committed murder, but only culpable homicide.

Exception 3. - Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

Exception 4. - Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offenders having taken undue advantage or acted in a cruel or unusual manner.

Explanation. - It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5. - Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

Illustration

A, by instigation, voluntarily causes Z, a person under eighteen years of age to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

301. Culpable homicide by causing death of person other than person whose death was intended:

If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person, whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

302. Punishment for murder:

Whoever commits murder shall be punished with death, or [imprisonment for life], and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 302

"I (name and office of Session Judge, etc.) hereby charge you (name of accused person) as follows: That you, on or about the _______________ day of _______________ have committed murder by causing the death of ___________ and thereby committed an offence, punishable under Section 302 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

303. Punishment for murder by life-convict:

Whoever, being under sentence of [imprisonment for life], commits murder, shall be punished with death.
Form of Charge:

Model Form of charge under Section 303

"I (name and office of Session Judge, etc.) hereby charge you (name of accused person) as follows:

That you, while under a sentence of imprisonment for life, on or about the ___________ day of _________ at ______________ committed murder by intentionally (or knowingly) causing the death of ______________(name of the deceased) and thereby committed an offence, punishable under Section 303 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

304. Punishment for culpable homicide not amounting to murder:

Whoever commits culpable homicide not amounting to murder, shall be punished with [imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

Form of Charge:

Model Form of charge under Section 304

"I (name and office of Sessions Judge, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the _______________ day of ___________ at ______________ committed culpable homicide not amounting to murder, causing the death of ______________and thereby committed an offence, punishable under S. 304 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by the said charge."

304-A. Causing death by negligence:

Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 304-A

"I (name and office of the Magistrate etc.) hereby charge you (name of the accused) as follows:

That you on or about _______________ at ______________ caused the death of ______________ by doing an act namely ______________ which was rash (or negligent) not amounting to culpable homicide and thereby committed an offence punishable under Section 304-A, Indian Penal code and within my cognizance.

And I hereby direct that you be tried by the said charge."

304-B. Dowry death:

(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under
normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Explanation. - For the purpose of this sub-section "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.]

305. Abetment of suicide of child or insane person. - If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or [imprisonment for life], or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

Form of Charge :

Model Form of charge under Section 305

"I (name and office of Session Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______________ day of ________________ at __________ you abetted one AB, a person under 18 years of age (or an idiot or an insane person, etc.) to commit suicide, and he committed it, and you thereby committed an offence, punishable under Section 305 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

306. Abetment of suicide:

If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Form of Charge :

Model Form of charge under Section 306

"I (name and office of Sessions Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _________________ day of __________ at _________ one AB committed suicide, and that you abetted its commission by ________________ (specify the act) and thereby committed an offence, punishable under S. 306 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this court on the said charge."

307. Attempt to murder:

Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to [imprisonment for life], or to such punishment as is hereinbefore mentioned.

Attempts by life-convicts - [Where any person offending under this section is under sentence of [imprisonment for life], he may, if hurt is caused, be punished with death.]
Illustrations

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this section.

(b) A, with the intention of causing the death of a child of tender years, exposes it in a desert place. A has committed the offence defined by this section, though the death of the child does not ensue.

(c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and, if by such firing he wounds Z, he is liable to the punishment provided by the latter part of the first paragraph of this section.

(d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence defined in this section. A places the food on Z's table or delivers it to Z's servant to place it on Z's table. A has committed the offence defined in this section.

Form of Charge:

Model Form of charge under Section 307

"I (name and office of Sessions Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the __________________ day of ______ at _______ one AB committed suicide, and that you abetted its commission by ____________ (specify the act) and thereby committed an offence, punishable under S. 306 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

308. Attempt to commit culpable homicide:

Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Illustration

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.

Form of Charge:

Model Form of charge under Section 308

"I (name and office of Session Judge, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the ____________ day of ___________ at _______ did an act, to wit ____________ with such intention (or knowledge) and under such circumstances, that, if, by that act, you had caused the death of AB, you would have been guilty of culpable homicide not amounting to murder, and that you caused hurt to the said AB by the said act, and thereby committed an offence, punishable under Section 308 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

309. Attempt to commit suicide:
Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year [of with fine, or with both].

310. Thug:

Whoever, at any time after the passing of this Act, shall have been habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with murder, is a thug.

311. Punishment:

Whoever is a thug, shall be punished with [imprisonment for life], and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 311

"I (name and office of Session Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ________________ day of ____________ at ________ you were a thug and you thereby committed an offence, punishable under Section 311 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

Of the Causing of Miscarriage, of Injuries to Unborn Children, of the Exposure of Infants, and of the Concealment of Births

312. Causing miscarriage:

Whoever, voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation. - A woman who causes herself to miscarry, is within the meaning of this section.

Form of Charge:

Model Form of charge under Section 312

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the ______________ day of ___________ at ______ voluntarily caused ______________________(name of the woman), then being with child, to miscarry, such miscarriage not being caused by you in good faith for the purpose of saving the life of the said ______________________ and thereby committed an offence, punishable under S. 312 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

313. Causing miscarriage without woman's consent:

Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, 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.

**Form of Charge:**

Model Form of charge under Section 313

"I (name and office of Session Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ___________ day of __________ at ____ you voluntarily caused AB (the woman who was miscarried) then being with child, to miscarry without her consent, such miscarriage not being caused by you in good faith for the purpose of saving the life of the said AB, and thereby committed an offence, punishable under S. 313 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

314. Death caused by act done with intent to cause miscarriage:

Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

If act done without woman's consent and if the act is done without the consent of the woman, shall be punished either with imprisonment for life, or with the punishment above mentioned.

Explanation. - It is not essential to this offence that the offender should know that the act is likely to cause death.

**Form of Charge:**

Model Form of charge under Section 314

"I (name and office of Session Judge, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the ___________ day of __________ at _______ with intent to cause the miscarriage of ________ (name the woman), did a certain act, to wit ___________ which caused the death of the said _______ and thereby committed an offence, punishable under Section 314 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

315. Act done with intent to prevent child being born alive or to cause it to be die after birth:

 Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or cause it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

**Form of Charge:**

Model Form of charge under Section 315

"I (name and office of Sessions Judge, etc) hereby charge you (name of accused person) as follows:

That, on or about the _____________ day of _____________ at __________ you did an act, to wit ___________ before the birth of a child, with the intention of preventing that child from being born alive (or
of causing it to due after its birth), and that act did prevent that child from being born alive (or caused it to
die after its birth), and the said act was not done in good faith for the purpose of saving the life of the
mother, and you thereby committed an offence, punishable under Section 315 of the Indian Penal Code,
and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

316. **Causing death of quick unborn child by act amounting to culpable homicide:**

Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of
culpable homicide, and does by such act cause the death of a quick unborn child, shall be punishable with
imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Illustration**

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the
death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the
death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence
defined in this Section.

**Form of Charge :**

**Model Form of charge under Section 316**

"I (name and office of Session Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _____________ day of ___________ at __________ you did an act, to wit
________________under circumstances, to wit ___________ that if you had thereby caused death, you
would have been guilty of culpable homicide, and did by such act, cause the death of a quick unborn child of
AB and thereby committed an offence, punishable under Section 316 of the Indian Penal Code, and within
the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

317. **Exposure and abandonment of child under twelve years, by parent or person having
care of it:**

Whoever being the father or mother of a child under the age of twelve years, or having the care of such
child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall
be punished with imprisonment of either description for a term which may extend to seven years, or with
fine, or with both.

Explanation. - This section is not intended to prevent the trial of the offender for murder or culpable
homicide, as the case may be, if the child die in consequence of the exposure.

**Form of Charge :**

**Model Form of charge under Section 317**

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the __________ day of __________ you, being the father (or mother, or person
having the care) of the child, named _____ which was then aged under twelve years, exposed (or left) it, in
a certain place, to wit _______________ with the intention of wholly abandoning it, and thereby
committed an offence, punishable under Section 317 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."
318. Concealment of birth by secret disposal of dead body:

Whoever, by secretly burying or otherwise disposing of the death body of a child whether such child dies before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 318

"I, (name and offence of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That on or about ________________ at ___________ you were secretly burying (or otherwise disposing of) the dead body of a child born to A, where such child died before, or after, or during its birth, thereby intentionally concealing or endeavours to conceal the birth of such child to A and you have thereby committed an offence punishable under Section 318 I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

Of Hurt

319. Hurt:

Whoever causes bodily pain, decease or infirmity to any person is said to cause hurt.

320. Grievous hurt:

The following kinds of hurt only are designated as "grievous":-

First. - Emasculation.

Secondly. - Permanent privation of the sight of either eye.

Thirdly. - Permanent privation of the hearing of either ear.

Fourthly. - Privation of any member or joint.

Fifthly. - Destruction or permanent impairing of the powers of any member or joint.

Sixthly. - Permanent disfiguration of the head or face.

Seventhly. - Fracture or dislocation of a bone or tooth.

Eighthly. - Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.

321. Voluntarily causing hurt:

Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt".

322. Voluntarily causing grievous hurt:
Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt."

Explanation. - A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

323. Punishment for voluntarily causing hurt:

Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Form of Charge:

Model Form of charge under Section 323

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That on or about _________________ at ______________ you voluntarily caused hurt to A and thereby committed an offence punishable under section 323, I.P.C., within my cognizance and I hereby direct that you be tried on the said charge."

And I hereby direct that you be tried on the said charge."

324. Voluntarily causing hurt by dangerous weapons or means:

Whoever, except in the case provided for by Section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 324

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ________________ day of __________ at ____________ you voluntarily caused hurt to AB by means of _____________ which is an instrument for shooting (or stabbing, or cutting, or which, used as weapon of offence, is likely to cause death, etc.) and thereby committed an offence, punishable under Section 324 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."
325. **Punishment for voluntarily causing grievous hurt:**

Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 325

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ____________ day of ____________ at _______ you voluntarily caused grievous hurt to AB and thereby committed an offence, punishable under Section 325 of the Indian Penal Code, and within any cognizance.

And I hereby direct that you be tried by this Court on the said charge."

326. **Voluntarily causing grievous hurt by dangerous weapons or means:**

Whoever, except in the case provided for by Section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, 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.

**Form of Charge:**

Model Form of charge under Section 326

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ____________ day of ____________ at _______ you voluntarily caused grievous hurt to AB by means of exhibit ___________ which is an instrument for shooting (or stabbing, etc. as the case may be), and thereby committed an offence, punishable under Section 326 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

327. **Voluntarily causing hurt to extort property, or to constrain to an illegal act:**

Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 327

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ____________ day of ____________ at _______ you voluntarily caused hurt to
AB for the purpose of extorting, from the said AB (or from CD who was interested in the said AB), a certain property (or valuable security), to wit ________________[or, for the purpose of constraining AB (or DC who was interested in the said AB) to do ____________, which is illegal (or, which may facilitate the commission of an offence)], and thereby committed an offence, punishable under Section 327 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

328. Causing hurt by means of poison, etc., with intent to commit an offence:

Whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or unwholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for at term which may extend to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 328

"I (name and office of Sessions Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______________ day of ________________ at _______ you administered, to AB, a certain poison (or any stupefying thing, etc.) to wit _______________(or caused the same to be taken by AB), with intent to cause hurt to the said AB or to commit or to facilitate the commission of the offence of _______________, (or knowing it to be likely that you will thereby cause hurt to the said AB), and thereby committed an offence, punishable under Section 328 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act:

Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything that is illegal or which may facilitate the commission of an offence, shall be punished with [imprisonment for life], or imprisonment of either description for a term, which may extend to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 329

The charge should be in the same form as that under Section 327, except that the expression "grievous hurt" should be substituted for "hurt", "Section 329" should be substituted for "Section 327", and the expressions "Sessions Judge" and "within the cognizance of this Court" should respectively be substituted for "Magistrate" and "within my cognizance".

330. Voluntarily causing hurt to extort confession, or to compel restoration of property:

Whoever voluntarily causes hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be
punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Illustrations

(a) A, a police-officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.

(b) A, a police-officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.

(c) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section.

(d) A, a zamindar, tortures a raiyat in order to compel him to pay his rent. A is guilty of an offence under this section.

Form of Charge:

Model Form of charge under section 330

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _____________ day of _____________ at _____ you voluntarily caused hurt, to AB, for the purpose of extorting, from him (or from a certain person, namely, CD interested in the said AB), a confession (or information), which may lead to the detection of offence of _____(or misconduct) (or for the purpose of constraining the said AB (or CD) to restore (or to cause the restoration of) any property (or valuable security) (or to satisfy any claim or demand) (or to give information which may lead to the restoration of any property or valuable security, to wit__________), and thereby committed an offence, punishable under Section 330 (or Section 331) of, the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

331. Voluntarily causing grievous hurt to extort confession, or to compel restoration of property:

Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 331

The same form of the charge, which is used for an offence under S. 330, I.P.C., may be adopted for a charge, under this section subject to the following changes, i.e., that the expressions "grievous hurt", "Sessions Judge" and "within the cognizance of this Court" must be substituted for "hurt", "Magistrate" and "within my cognizance" respectively.

332. Voluntarily causing hurt to deter public servant from his duty:

Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such
public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

*Form of Charge:*

Model Form of charge under Section 332

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _______ at _______ you voluntarily caused hurt to one AB, a public servant, in the discharge of his duties as such a public servant [(or with intent to prevent or deter that person) (or any other public servant, to wit ________) from discharging his duties as such a public servant)] (or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such a public servant), and thereby committed an offence punishable under Section 332 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

*333. Voluntarily causing grievous hurt to deter public servant from his duty:*

Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

*Form of Charge:*

Model Form of charge under Section 333

Same as under Section 332, only substituting "grievous hurt" for "hurt", "Section 333" for "Section 332", "Sessions Judge" for "Magistrate" and "within the cognizance of this Court" for "within my cognizance."

*334. Voluntarily causing hurt on provocation:*

Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

*Form of Charge:*

Model Form of charge under Section 334

Same as in the case of an offence under S. 323, ante

*335. Voluntarily causing grievous hurt on provocation:*

Whoever voluntarily cause grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to four years, or with the fine which may extend to two thousand rupees, or with both.

Explanation. - The last two sections are subject to the same provisos as Exception 1, section 300.
Form of Charge:
Model Form of charge under Section 335
Same as in the case of an offence under Section 325 or 326, ante, as the case may be

336. Act endangering life or personal safety of others:

Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

Form of Charge:
Model Form of charge under Section 336
"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:
That on or about _______ at ________ you acted (mention the rash or negligent act done) so rashly or negligently as to endanger human life or the personal safety of others and thereby committed an offence punishable under Section 336, I.P.C. and within my cognizance.
And I hereby direct that you be tried on the said charge."

337. Causing hurt by act endangering life or personal safety of others:

Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Form of Charge:
Model Form of charge under Section 337
"I, (name and office of the Magistrate, etc.) hereby charge you (name of accused) as follows:
That on or about _______________ at _____________ you caused hurt to A by doing an act (describe the act) rashly or negligently so as to endanger human life or personal safety of others and thereby committed an offence punishable under Section 337, I.P.C., and within my cognizance.
And I hereby direct that you be tried by the said charge."

338. Causing grievous hurt by act endangering life or personal safety of others:

Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Form of Charge:
Model Form of charge under Section 338
"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:
That on or about ______________at ______________ you caused grievous hurt to A by doing an act (describe it) so rashly or negligently as to endanger human life or the personal safety of others and
thereby caused an offence punishable under Section 338, I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

Or Wrongful Restraint and Wrongful Confinement

339. Wrongful restraint:

Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception. - The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

Illustration

A obstructs a path along which Z has a right to pass. A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

340. Wrongful confinement:

Whoever wrongfully restrains any person in such a manner as to prevent that person from proceedings beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustrations

(a) A causes Z to go within a walled space, and locks Z in. A is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

341. Punishment for wrongful restraint. - Whoever wrongfully restrains any person 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.

Form of Charge:

Model Form of charge under Section 341

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That on or about _______________ at _______ you wrongfully restrained A (name of the person) and thereby committed an offence punishable under Section 341 I.P.C. and within my cognizance.

And I hereby direct that you be tried on the said charge."

342. Punishment for wrongful confinement:

Whoever wrongfully confines any person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Form of Charge:

Model Form of charge under Section 342

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:
Than on or about __________ at __________ you wrongfully confined A (name of the person) for __________ days and thereby committed an offence punishable under Section 342, I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge.

343. Wrongful confinement for three or more days:

Whoever wrongfully confines any person for three days, or more, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model form of charge under Section 343

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That on or about __________ at __________ you wrongfully confined A (name of the person wrongfully confined) for __________ days and thereby committed an offence punishable under Section 343, I.P.C. and within my cognizance.

And I hereby direct that you be tried on the said charge.

344. Wrongful confinement for ten or more days:

Whoever wrongfully confines any person for ten days, or more, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 344

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That on or about __________ at __________ you wrongfully confined A (name of the person) for 10 days or more and thereby committed an offence punishable under Section 344, I.P.C. and within my cognizance.

And I hereby direct that you be tried on the said charge.

345. Wrongful confinement of person for whose liberation writ has been issued:

Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any term of imprisonment to which he may be liable under any other section of this Chapter.

Form of Charge:

Model Form of charge under Section 345

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That on or about ___________ at _________you wrongfully confined A and kept him in such confinement knowing that a writ of habeas corpus had been duly issued and thereby committed an offence punishable under Section 345, I.P.C. and within my cognizance.
346. Wrongful confinement in secret:

Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any other punishment to which he may be liable for such wrongful confinement.

347. Wrongful confinement to extort property, or constrain to illegal act:

Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security or of constraining the person confined or any person interested in such person to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 347

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ______________ day of ______________ at ______ you wrongfully confined one AB for the purpose of extorting, from the said AB (or from one CD, interested in the said AB), certain property (or a valuable security), to wit ___________ (or for the purpose of constraining the said AB (or one CD, interested in the said AB) to do ___________ that is illegal (or to give any information, which may facilitate the commission of an offence), and thereby committed an offence, punishable under Section 347 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

348. Wrongful confinement to extort confession, or compel restoration of property:

Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punishable with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 348

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______________ day of ______________ at ______ you wrongfully confined one AB for the purpose of extorting, from the said AB (or from one CD, interested in the said AB), any confession (or any information which might lead to the detection of an offence or misconduct) (or for the purpose of constraining the person confined (or a person interested in the person confined) to restore (or to cause the restoration of) any property (or valuable security) (or to satisfy any claim or demand, (or to give
information which might lead to the restoration of any property or valuable security), and thereby committed an offence, punishable under Section 348 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Of Criminal Force and Assault

349. Force:

A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling:

Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:

First. - By his own bodily power.

Secondly. - By disposing any substance in such a manner that the motion or change or cessation of motion takes without any further act on his part, or on the part of any other person.

Thirdly. - By inducing any animal to move, to change its motion, or to cease to move.

350. Criminal force:

Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.

(b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has used criminal force to Z.

(c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.

(e) A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water
against Z's clothes or something carried by Z.

Here, if the throwing of the stone produces the effect of causing any substance to come into contact with Z, or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.

(f) A intentionally pulls up a woman's veil. Here A intentionally uses force to her, and if he does so without her consent intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.

(g) Z is bathing, A pours into the bath water which he knows to be boiling. Here A intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with Z, or with that water so situated that such contact must affect Z's sense of feeling. A has therefore intentionally used force to Z; and if he has done this without Z's consent intending or knowing it to be likely that he may thereby cause injury, fear, or annoyance to Z, A has he used criminal force.

(h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear or annoyance to Z, he uses criminal force to Z.

351. Assault:

Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Explanation. - Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(c) A takes up a stick, saying to Z, "I will give you a beating". Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

352. Punishment for assault or criminal force otherwise than on grave provocation. - Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Explanation. - Grave and sudden provocation will not mitigate the punishment for an offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence, or if the provocation is given by anything done in obedience to the law, or by a public servant, in the lawful exercise of the powers of such public servant, or if the provocation is given by anything done in the lawful exercise of the right of private defence.

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

*Form of Charge:*
Model Form of charge under Section 352

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you on or about _______________ at _____________ assaulted or used criminal force to A (the person assaulted or the person against whom criminal force was used) and thereby committed an offence punishable under Section 352, I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

353. Assault or criminal force to deter public servant from discharge of his duty:

Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as 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.

Form of Charge:

Model Form of charge under Section 353

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about _____________ at _____________ you assaulted (or used criminal force) to A, a public servant, namely ____________ in the execution of his duty as such public servant or (with intent to prevent or deter such public servant from exercising his duty or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duties as such public servant) and thereby committed an offence punishable under Section 353 I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

354. Assault or criminal force to woman with intent to outrage her modesty:

Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

STATE AMENDMENTS:

ANDHRA PRADESH. - For Section 354, IPC the following section shall be substituted, namely, -

354. Assault or criminal force to woman with intent to outrage her modesty:

Whoever assaults or uses criminal force to any woman intending to outrage or knowing it to be likely that he will thereby outrage her modesty shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years and shall also be liable to fine:

Provided that the Court may, for adequate and special reasons to be mentioned in the Judgment, impose a sentence of imprisonment of either description for a term which may be less than five years, but which shall not be less than two years. [A.P. Act No. 6 of 1991, Section 2 (w.e.f. 1st April, 1991)]

Form of Charge:

Model Form of charge under Section 354
"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about ______________ at ______________ you assaulted (or used criminal force to a woman, intending to outrage) (or knowing it to be likely that you would thereby outrage) her modesty and thereby committed an offence punishable under Section 354, I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

355. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation:

Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than or grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form or charge under Section 355

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about ______________ at ______________ you assaulted (or used criminal force to) A intending by such assault (or use of criminal force) to dishonour the said A and that you did so otherwise than on grave and sudden provocation and thereby committed an offence punishable under Section 355 I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

356. Assault or criminal force in attempt to commit theft of property carried by a person:

Whoever assaults or uses criminal force to any person, in attempting to commit theft on any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 356

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about ______________ at ______________ you assaulted (or used criminal force to) A in attempting to commit theft of certain property, (namely_______) which the said A was wearing/carrying and thereby committed an offence punishable under Section 356, I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

357. Assault or criminal force in attempt wrongfully to confine a person:

Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Form of Charge:

Model for of charge under Section 357
"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about ________ at ______________ you assaulted (or used criminal force to) A in attempting wrongfully to confine the said A and thereby committed an offence punishable under Section 357, I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

358. Assault or criminal force on grave provocation:

Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, 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.

Explanation. - The last section is subject to the same Explanation as section 352.

Form of Charge:

Model Form of charge under Section 358

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about ________ at ___________ you assaulted (or used criminal force) to A under grave and sudden provocation from the said A and you have thereby committed an offence punishable under Section 358 I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

Of Kidnapping, Abduction, Slavery and Forced Labour

359. Kidnapping:

Kidnapping is of two kinds: kidnapping from [India], and kidnapping from lawful guardianship.

360. Kidnapping from India:

Whoever conveys any person beyond the limits of [India] without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from [India].

361. Kidnapping from lawful guardianship:

Whoever takes or entices any minor under [sixteen] years of age if a male, or under [eighteen] years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Explanation. - The words "lawful guardian" in this section include any person lawfully entrusted with the care of custody of such minor or other person.

Exception. - This section does not extend to the act of any person who is good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

STATE AMENDMENTS:

Manipur in its application to Union Territory of Manipur, in Section 361 for the word `eighteen' substituted
the word `fifteen'. [Vide Act No. 30 of 1950]

362. Abduction:

Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

363. Punishment for kidnapping:

Whoever kidnaps any person from [India] or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 363

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______________ day of _______ at ___________ you kidnapped AB (AB, a minor male then under 16 years of age) (or AB, a minor female then under 18 years of age) from India (or from the lawful guardianship of PQ his/her_______), and thereby committed an offence, punishable under Section 363 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

363-A. Kidnapping or maiming a minor for purposes of begging:

(1) Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, in order that such minor may be employed or used for the purpose of begging shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever maims any minor in order that such minor can be employed or used for the purposes of begging shall be punishable with imprisonment for life, and shall also be liable to fine.

(3) Where any person, not being the lawful guardian of a minor, employs or uses such minor for the purposes of begging, it shall be presumed, unless the contrary is proved, that he kidnapped or otherwise obtained the custody of that minor in order that the minor might be employed or used for the purposes of begging.

(4) In this section, -

(a) "begging" means -

(i) soliciting or receiving alms in a public place, whether under the pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise;

(ii) entering on any private premises for the purpose of soliciting or receiving alms;

(iii) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(iv) using a minor as an exhibit for the purpose of soliciting or receiving alms;

(b) "minor" means -

(i) in the case of a male, a person under sixteen years of age; and
(ii) in the case of a female, a person under eighteen years of age.]

**Form of Charge:**

Model Form of charge under Section 363-A

"I, (name and office of Magistrate, Sessions Judge, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the ______ day of ______ at ______ kidnapped or obtained custody of AB, a minor (or maimed AB, a minor), in order that such minor may be employed, or used, for purposes of begging, and thereby committed an offence, punishable under Section 363-A of the Indian Penal Code, and within my cognizance (or within the cognizance of this Court).

And I hereby direct that you be tried by this Court on the said charge."

**364. Kidnapping or abducting in order to murder:**

Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with [imprisonment for life] or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Illustrations

(a) A kidnaps Z from [India], intending or knowing it to be likely that Z may be sacrificed to an idol. A has committed the offence defined in this section.

(b) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this section.

**Form of Charge:**

Model Form of charge under Section 364

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the _____ day of ____ at _____ kidnapped (or abducted) AB, in order that the said AB might be murdered (or might be so disposed of as to be put in danger of being murdered), and thereby committed an offence, punishable under Section 364 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

**364-A. Kidnapping for ransom, etc:**

Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or [any foreign State or international inter-governmental organisation or any other person] to do or abstain from doing any act or to pay shall be punishable with death, or imprisonment for life, and shall also be liable to fine.

**365. Kidnapping or abducting with intent secretly and wrongfully to confine person:**

Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully
confined, shall be punished with imprisonment of either description for a term which may extend to seven
years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 365

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the _______ day of __________ at __________ kidnapped (or abducted) one AB, with
intent to cause the said AB to be secretly and wrongfully confined, and thereby committed an offence,
punishable under Section 365 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

366. Kidnapping, abducting or inducing woman to compel her marriage, etc:

Whoever kidnaps or abducts any woman with intent that she may compelled, or knowing it to be likely that
she will be compelled, to marry any person against her will, or in order that she may be forced or seduced
to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be
punished with imprisonment of either description for a term which may extend to ten years, and shall also
be liable to fine; [and whoever, by means of criminal intimidation as defined in this Code or of abuse of
authority or any other method of compulsion, induces any woman to go from any place with intent that she
may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another
person shall be punishable as aforesaid.]

Form of Charge:

Model Form of charge under Section 366

"I (name and office of Sessions Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _________day of ___________ at ___________ you kidnapped (or abducted), AB, a
woman, with intent (or knowing it to be likely) that she might be compelled to marry any person against her
will or in order (or knowing it to be likely) that she might be forced (or seduced) to illicit intercourse (or you
induced, AB, a woman, by means of criminal intimidation (or by means of abuse of authority) or by any
other method, to go from any place with intent (or knowing it to be likely) that she might be forced (or
seduced) to illicit intercourse with another man), and thereby committed an offence, punishable under
Section 366 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

366-A. Procuration of minor girl:

Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any
place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or
seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend
to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge underneath Section 366-A

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That on or about __________at __________ you induced A (a minor girl under the age of eighteen years)
to go from (name of the place) or to do any act or acts (name them ____________) with the intent that the
said A may be or knowing that it is likely that the said A will be forced (or seduced) to illicit intercourse with B and thereby committed an offence punishable under Section 366-A, I.P.C. and within the cognizance of the Court of Session.

And I hereby direct that you be tried by the said Court on the said charge."

366-B. Importation of girl from foreign country:

Whoever imports into [India] from any country outside India [or from the State of Jammu and Kashmir] any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.]

Form of Charge:

Model Form of charge under Section 366-B

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That on or about ___________ at _________ you imported into India from _____ a country outside India (or from the State of Jammu and Kashmir) A, a girl below the age of twenty-one years with intent that she may be (or knowing it to be likely that she will be) forced (or seduced) to illicit intercourse with another person B namely ______ and thereby committed an offence punishable under Section 366-B, I.P.C., and within the cognizance of the Court of Session.

And I hereby direct that you be tried by the said Court on the said charge."

367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc:

Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subject to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 367

"I (name and office of Sessions Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _____________ day of __________ at _________ you kidnapped (or abducted) AB in order that the said AB may be subjected (or may be so disposed of as to be put in danger of being subjected) to grievous hurt (or slavery) (or to the unnatural lust) of CD, or knowing it to be likely that such person will be so subjected (or disposed of), and thereby committed an offence, punishable under S. 367 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

368. Wrongfully concealing or keeping in confinement, kidnapped or abducted person:

Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.
Form of Charge:

Model Form of charge under Section 368

"I, (name and office of the Magistrate, Sessions Judge, etc.) hereby charge you (name of the accused) as follows:

That, on or about the _________________ day of __________ at _______ you wrongfully concealed (or confined) AB, knowing that the said AB had been kidnapped (or abducted) and thereby committed an offence, punishable under Section 368 of the Indian Penal Code, within my cognizance (or within the cognizance of this Court).

And I hereby direct that you be tried by this Court on the said charge."

369. Kidnapping or abducting child under ten years with intent to steal from its person:

Whoever kidnaps or abducts any child under the age of ten years with the intention of taking dishonestly any moveable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 369

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______________ day of _____at ______ you kidnapped (or abducted) AB, a child then under the age of ten years, with the intention of taking dishonestly the moveable property, to wit _______ from the person of the said AB, and thereby committed an offence, punishable under S. 369 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

370. Buying or disposing of any person as a slave:

Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 370

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ________________ day of __________ at _______ you imported (or exported, removed, bought, sold or disposed of) AB as a slave (or accepted, received or detained AB, against his will, as a slave) and thereby committed an offence, punishable under S. 370 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

371. Habitual dealing in slaves:

Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with
Form of Charge:

Model Form of charge under Section 371

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ______________ day of ____ at _______ you habitually imported (or exported) (or removed) (or bought) (or sold) (or trafficked in) (or dealt with in) slaves ________(name the slaves or slaves), and thereby committed an offence, punishable under Section 371 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

Form of Charge:

Model Form of charge under Section 372

"I, (name and office of the Sessions Judge, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ______________ day of ________ at __________(sold or let to hire) (or disposed of) AB, a person under the age of eighteen years, with intent that such person should, at any age, be employed (or used) for the purpose of prostitution (or illicit intercourse with CD) or for any unlawful and immoral purpose, viz._________________(state the purpose), (or knowing it to be likely that the said AB would, at any age, be employed (or used) for any such purpose, and thereby committed an offence, punishable under Section 372 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by the said Court on the said charge."

Form of Charge:

Model Form of charge under Section 373

"I, (name and office of the Sessions Judge, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ______________ day of ________ at _______ (sold or let to hire) (or disposed of) AB, a person under the age of eighteen years, with intent that such person should, at any age, be employed (or used) for the purpose of prostitution (or illicit intercourse with CD) or for any unlawful and immoral purpose, viz._________________(state the purpose), (or knowing it to be likely that the said AB would, at any age, be employed (or used) for any such purpose, and thereby committed an offence, punishable under Section 372 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by the said Court on the said charge."
[Explanation I. - Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

Explanation II. - "Illicit intercourse" has the same meaning as in section 372].

**Form of Charge**:

Model Form of charge under Section 373

"I, (name and office of the Sessions Judge, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ______________day of __________ at______________you bought (or hired or obtained possession of) AB, a person then under eighteen years of age, with intent that the said AB shall, at any age, be employed (or used) for the purpose of prostitution (or illicit intercourse with CD) (or for any unlawful and immoral purpose, viz. _________(specify the purpose)), or knowing it to be likely that the said AB will, at any age, be employed (or used) for any such purpose, and thereby committed an offence, punishable under S. 373 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

**374. Unlawful compulsory labour**:

Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**Form of Charge**:

Model Form of charge under Section 374

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That on or about ______________ at __________ you unlawfully compelled A to labour (specify the labour compelled to be done) which was against he will of that person and thereby committed an offence punishable under Section 374, I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

**Sexual offences**

**375. Rape**:

A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions :-

First. - Against her will.

Secondly. - Without her consent.

Thirdly. - With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

Fourthly. - With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly. - With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or
intoxication or the administration by him personally or through another of any stupefying or unwholesome
substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly. - With or without her consent, when she is under sixteen years of age.

Explanation. - Penetration is sufficient to constitute the sexual intercourse necessary to the offence of
rape.

Exception. - Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is
not rape.]

STATE AMENDMENTS :

 Manipur. - In section 375,-

(a) in clause fifthly, for the word "sixteen" substitute the word "fourteen"; and

(b) in the Exception, for the word "fifteen" substitute the word "thirteen"

376. Punishment for rape:

(1) Whoever, except in the cases provided for by sub-section (2) commits rape shall be punished with
imprisonment of either description for a term which shall not be less than seven years but which may be for
life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is
his own wife and is not under twelve years of age, in which case, he shall be punished with imprisonment of
either description for a term which may extend to two years or with fine or with both:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a
sentence of imprisonment for a term of less than seven years.

(2) Whoever, -

(a) being a police officer commits rape -

(i) within the limits of the police station to which he is appointed; or

(ii) in the premises of any station house whether or not situated in the police station to which he is
appointed; or

(iii) on a woman in his custody or in the custody of a police officer subordinate to him; or

(b) being a public servant, takes advantage of his official position and commits rape on a woman in his
custody as such public servant or in the custody of a public servant subordinate to him; or

(c) being on the management or on the staff of a jail, remand home or other place of custody established
by or under any law for the time being in force or of a women's or children's institution takes advantage of
his official position and commits rape on any inmate of such jail, remand home, place or institution; or

(d) being on the management or on the staff of a hospital, takes advantage of his official position and
commits rape on a woman in that hospital; or

(e) commits rape on a woman knowing her to be pregnant or

(f) commits rape on a woman when she is under twelve years of age; or

(g) commits gang rape, shall be punished with rigorous imprisonment for a term which shall not be less than
ten years but which may be for life and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a
Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than ten years.

Explanation 1. - Where a woman is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang rape within the meaning of this sub-section.

Explanation 2. - "woman's or children's institution" means an institution, whether called an orphanage or a home for neglected women or children or a widows' home or by any other name, which is established and maintained for the reception and care of women or children.

Explanation 3. - "hospital" means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation.

Form of Charge:

Model Form of charge under section 376

"I, (name and office of the Court of Session, etc.) hereby charge you (name of the accused) as follows:

That on or about _________at _______________you committed rape on A (name of the woman raped) and thereby committed an offence under Section 376, I.P.C., and within the cognizance of the Court of Session or the High Court.

And I hereby direct that you be tried on the said charge."

376-A. Intercourse by man with his wife during separation:

Whoever has sexual intercourse with his own wife, who is living separately from him under a decree of separation or under any custom or usage without her consent shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

376-B. Intercourse by public servant with woman in his custody:

Whoever, being a public servant, takes advantage of his official position and induces or seduces, any woman, who is in his custody as such public servant or in the custody of a public servant subordinate to him, to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

376-C. Intercourse by superintendent of jail, remand home, etc:

Whoever, being the superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution takes advantage of his official position and induces or seduces any female inmate of such jail, remand home, place or institution to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Explanation 1. - "superintendent" in relation to jail, remand home or other place of custody or a women's or children's institution includes a person holding any other office in such jail, remand home, place or institution by virtue of which he can exercise any authority or control over its inmates.

Explanation 2. - The expression "women's or children's institution" shall have the same meaning as in Explanation 2 to sub-section (2) of section 376.
376-D. Intercourse by any member of the management or staff of a hospital with any woman in that hospital:

Whoever, being on the management of a hospital or being on the staff of a hospital takes advantage of his position and has sexual intercourse with any woman in that hospital, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Explanation. - The expression "hospital" shall have the same meaning as in Explanation 3 to sub-section (2) of section 376.

Of Unnatural Offences

377. Unnatural offences:

Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, 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.

Explanation. - Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

Form of Charge:

Model Form of charge under Section 377

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _______________day of ___________at ________ had carnal intercourse, against the order of nature, with AB (specify the man, woman or animal), and thereby committed an offence, punishable under Section 377 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

CHAPTER XVII
OF OFFENCES AGAINST PROPERTY
OF THEFT

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.

Explanation 1. - A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2. - A moving effected by the same act which affects the severance may be a theft.

Explanation 3. - A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it.
Explanation 4. - A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5. - The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(d) A, being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.

(e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(g) A finds a ring lying on the high road, not in the possession of any person. A by taking it, commits no theft, though he may commit criminal misappropriation of property.

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(i) A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A take the watch out of Z's possession, with the intention of depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(k) Again, if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property inasmuch as he takes it dishonestly.

(l) A takes an article belonging to Z out of Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefore committed theft.

(m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent for the purpose merely of reading it, and with the intention or returning it. Here, it is
probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(n) A asks charity from Z's wife. She gives A money, food and clothes, which A knows to belong to Z her husband. Here it is probable that A may conceive that Z's wife is authorised to give away alms. If this was A's impression, A has not committed theft.

(o) A is the paramour of Z's wife. She gives a valuable property, which A knows to belong to her husband Z, and to be such property as she has no authority from Z to give. If A takes the property dishonestly, he commits theft.

(p) A, in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not 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.

Form of Charge:

Model Form of charge under Section 379

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ___________day of ______________at ___________you intending to take dishonestly moveable property, to wit_______out of the possession of ___________(name of the person), without his consent, moved that property in order to such taking, and thereby committed an offence of theft, punishable under Section 379 of the Indian Penal Code, and within my cognizance.

I hereby direct that you be tried by this Court on the said charge."

380. Theft in dwelling house, etc:

Whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or used for the custody of property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

STATE AMENDMENTS:

Tamil Nadu Section 380 of the Indian Penal Code (Central Act XLV of 1860) (hereinafter in this Part referred to as the principal Act), shall be renumbered as sub-section (1) of the section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

"(2) Whoever commits theft in respect of any idol or icon in any building used as a place of worship shall be punished with rigorous imprisonment for a term which shall not be less than two years but which may extend to three years and with fine which shall not be less than two thousand rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than two years." [Vide Tamil Nadu Act 28 of 1993, Sec. 2]

Form of Charge:

Model Form of charge under Section 380

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about ____________day of _____________at ___you committed theft in (specify building/tent/or vessel), which was used as a human dwelling (or which was used for the custody of
property), and thereby committed an offence, punishable under Section 380 of the Indian Penal Code, and within my cognizance.

I hereby direct that you be tried by this Court on the said charge."

**381. Theft by clerk or servant of property in possession of master:**

Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

*Form of Charge:*

Model Form of charge under Section 381

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That, on or about the ______day of __________at _________you committed theft of certain property, to wit )___________(specify the property), from the possession of AB, of whom you were (or by whom you were being employed in the capacity of) a clerk/servant, and thereby committed an offence, punishable under Section 381 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this court on the said charge."

**382. Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft:**

Whoever commits theft, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

*Illustrations*

(a) A commits theft on property in Z's possession; and, while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting Z in case z should resist. A has committed the offence defined in this section.

(b) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this section.

*Form of Charge:*

Model Form of charge under Section 382

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ________________day of __________at _______committed theft of certain property, to wit )___________(specify the property), from the possession of AB, after having made preparation for causing death (or hurt or restraint or fear of it) (specify the nature of the injury) by ___________(specify the nature of the preparation) in order to the committing of the said theft (or in order to the effecting of your escape after committing the theft) (or in order to the retaining of property taken by the said theft), and, thereby committed an offence, punishable under Section 382 of Indian Penal Code, and within my cognizance."
And I hereby direct that you be tried by this Court on the said charge."

Of Extortion

383. Extortion:

Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion".

Illustrations

(a) A threatens to publish a defamatory libel concerning Z unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(c) A threatens to send club-men to plough up Z's field unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

(d) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

384. Punishment for extortion:

Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 384

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows: That you, on or about the ____________day of ____________at _____________ intentionally put AB in fear of an injury, namely _________(specify the injury), to him/or to another person _____________(specify the name), and thereby dishonestly induced AB to deliver the property, or valuable security, to wit______(specify the property or valuable security), and thereby committed an offence, punishable under Section 384 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this court on the said charge."

385. Putting person in fear of injury in order to commit extortion:

Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear, of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 384
"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________day of ____________ at _____________ put AB (or attempted to put AB) in fear of an injury, namely _________ (specify the injury), in order to commit extortion, and thereby committed an offence, punishable under Section 385 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this court on the said charge."

386. Extortion by putting a person in fear of death on grievous hurt:

Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 386

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ____________ day of __________ at ________ you intentionally put AB in fear of death (or of grievous hurt) to him/or to another person, namely, (specify his name), and thereby dishonestly induced AB to deliver the property/or valuable security, to wit______(specify the property/or valuable security), and thereby committed an offence, punishable under Section 386 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

387. Putting person in fear of death or of grievous hurt, in order to commit extortion:

Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 387

The form of the charge is the same as under Section 385, except that the nature of injury, which has to be specified, is death or grievous hurt and Section 387 is to be substituted for Section 385

388. Extortion by threat of accusation of an offence punishable with death or imprisonment for life, etc:

Whoever commits extortion by putting any person in fear of an accusation against that person or any other of having committed or attempted to commit any offence punishable with death, or with [imprisonment for life], or with imprisonment for a term which may extend to ten years or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if the offence be one punishable under Section 377 of this Code, may be punished with [imprisonment for life].

Form of Charge:

Model Form of charge under Section 388

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:}
That, on or about the ______________day of __________at ______you committed extortion by putting AB in fear of an accusation, against him or another person, or having committed (or attempted to commit) the offence of ____ (specify the offence), which is punishable with death/or with imprisonment for life/or with imprisonment for a term which may extend to ten years (or having attempted to induce another person, namely __________ to commit such offence, and thereby dishonestly induced AB to deliver __________ (specify the property, etc.) and thereby committed an offence, punishable under Section 388 of the Indian Penal Code, and within the cognizance.

And I hereby direct that you be tried by this Court on the said charge."

389. Putting person in fear of accusation of offence, in order to commit extortion:

Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed, or attempted to commit an offence punishable with death or with [imprisonment for life], or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if the offence be punishable under Section 377 of this Code, may be punished with [imprisonment for life].

Form of Charge:

Model Form of charge under Section 389

"I, (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ______________day of __________at _____________ put AB (or attempted to put AB) in fear of accusation against the said AB or any other of having committed or attempted to commit an offence punishable with death or for imprisonment for life or term up to ten years in order to committing extortion, and that you have herby committed an offence punishable under section 389 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this court on the said charge."

Of Robbery and Dacoity

390. Robbery:

In all robbery there is either theft or extortion.

When theft is robbery. - Theft is "robbery" if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end, voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt, or of instant wrongful restraint.

When extortion is robbery. - Extortion is "robbery" if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

Explanation. - The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

Illustrations

(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 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.

391. 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”

392. Punishment for robbery:

Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and, if the robbery be committed on the highway between sunset and sunrise, the imprisonment may be extended to fourteen years.

Form of Charge:

Model Form of charge under Section 392

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the ___day of ______ at ______ committed theft of _____(specify the property) and, in committing theft or in order to commit the theft or in carrying away (or attempting to carry away) the said property, voluntarily caused (or attempting to cause) death of _________(name the person) (or hurt, or wrongful restraint) (or fear of instant death, or of instant hurt, or of instant wrongful restraint, to ______(name the person) or committed extortion on AB by putting the said AB (or CD) in fear of instant death (or of instant hurt, or of instant wrongful restraint) and that you were in the presence of the said AB at the time of committing extortion and induced the said AB then and there to deliver up __________(name the property), and thereby committed an offence, punishable under Section 392 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

393. Attempt to commit robbery:

Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also liable to fine.

Form of Charge:

Model Form of charge under Section 393
"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ____________day of __________at ___attempted to commit robbery (mention the facts constituting the attempt) on AB and thereby committed an offence, punishable under S. 393 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

394. Voluntarily causing hurt in committing robbery:

If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with [imprisonment for life], or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 394

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the ___day of ________at __________voluntarily caused hurt to AB in committing or in attempting to commit robbery or were jointly concerned with any other person in doing so, and thereby committed an offence, punishable under S. 394 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

395. Punishment for dacoity:

Whoever commits dacoity shall be punished with [imprisonment for life], or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 395

"I (name and office of the Session Judge, etc.) hereby charge you (name of the accused) as follows:

That, on or about, the __________________day of _______at _________you committed dacoity, and thereby committed an offence, punishable under Section 395 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

396. Dacoity with murder:

If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 396

"I (name and office of the Magistrate, etc.) hereby charge you (name of the accused) as follows:

That you, on or about the _________day of _______conjointly, with four or more other persons,
committed dacoity and, in so committing dacoity, murder was committed by one of you, and that you thereby committed an offence, punishable under Section 396 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

397. Robbery or dacoity, with attempt to cause death or grievous hurt:

If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

Form of Charge:
Model Form of charge under Section 397

"That, at the time of committing robbery/dacoity, you used deadly weapon, to wit ______(or caused grievous hurt to _______(name the person) or attempted to cause death or grievous hurt to _____(name the person), and thereby committed an offence, punishable under Section 392/395, read with Section 397, of the Indian Penal Code, and within the cognizance of the court."

398. Attempt to commit robbery or dacoity when armed with deadly weapon:

If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than seven years.

Form of Charge:
Model Form of charge under Section 398

The form of the charge would be the same as under the proceeding Section 397 with necessary modification

399. Making preparation to commit dacoity:

Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Form of Charge:
Model Form of charge under Section 399

"I, (name and office of Sessions Judge, etc.) hereby charge you (name of accused person) as follows :

That you, on or about the ________day of _____at _________made preparation, to wit_______(mention the acts), for committing dacoity, and thereby committed an offence, punishable under S. 399 of the Indian Penal Code, and within the cognizance of the Court

And I hereby direct that you be tried by this Court on the said charge."

400. Punishment for belonging to gang of dacoits:

Whoever, at any time after the passing of this Act, shall belong to a gang of persons associated for the purpose of habitually committing dacoity, shall be punished with [imprisonment for life], or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.
Form of Charge:

Model Form of charge under Section 400

"I, (name and office of Sessions Judge, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the _____day of ____at______belonged to a gang of person, associated for the purpose of habitually committing dacoity, and thereby committed an offence, punishable under Section 400 of the Indian Penal Code, and within the cognizance of this Court.

I hereby direct that you be tried by this Court on the said charge."

401. Punishment for belonging to gang of thieves:

Whoever, at any time after the passing of this Act, shall belong to any wandering or other gang of persons associated for the purpose or habitually committing theft or robbery, and not being a gang of thugs or dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 401

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the _______day of ______at______belonged to a gang of person, to wit___(specify whether wandering or other gang), associated for the purpose of habitually committing theft (or robbery), and that you thereby committed an offence, punishable under Section 401 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

402. Assembling for purpose of committing dacoity:

Whoever, at any time after the passing of this Act, shall be one of five or more persons assembled for the purpose of committing dacoity shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Model Form of charge under Section 402

"I(name and office of Sessions Judge, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the __________day of ____________at ________were one of five or more persons, assembled for the purpose of committing dacoity, and that you thereby committed an offence, punishable under Section 402, of the Indian Penal Code, and within the cognizance of this Court.

Of Criminal Misappropriation of Property

403. Dishonesty misappropriation of property:

Whoever dishonestly misappropriates or converts to his own use any moveable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations

(a) A takes property belonging to Z out of Z's possession, in good faith, believing, at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake,
dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) A, being on friendly terms with Z, goes into Z’s library in Z’s absence, and takes away a book without Z’s express consent. Here, if A was under the impression that he had Z’s implied consent to take the book for the purpose of reading it, A has not committed theft. But, if A afterwards sells the book for his own benefit, he is guilty of an offence under this Section.

(c) A and B, being joint owners of a horse, A takes the horse out of B’s possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But, if A sells that horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this Section.

Explanation 1. - A dishonest misappropriation for a time only is a misappropriation within the meaning of this Section.

Illustration

A finds a Government promissory note belonging to Z, bearing a blank endorsement. A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan, intending at a future time to restore it to Z. A has committed an offence under this section.

Explanation 2. - A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it; it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believe that the real owner cannot be found.

Illustrations

(a) A finds a rupee on the high road, not knowing to whom the rupee belongs. A picks up the rupee. Here A has not committed the offence defined in this section.

(b) A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.

(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A knows that this person can direct him to the person in whose favour the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

(d) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this section.

(e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this section.

404. Dishonest misappropriation of property possessed by deceased person at the time of his death:
Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person’s decease, and has not since been in the possession of any person legally entitled to such possession, 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 offender at the time of such person’s decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Illustration

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this section.

**Form of Charge:**

Model Form of charge under Section 404

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _____day of _______ at ____________ you dishonestly misappropriated (or converted to your own use) property, to wit___________(specify the property) knowing that such property was in the possession of AB deceased at the time of his death and had not since been in possession of any person, legally entitled to such possession, and that you thereby committed an offence punishable under Section 404 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**Of Criminal Breach of Trust**

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".

[Explanation [1]. - A person, being an employer [of an establishment whether exempted under section 17 of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), or not] who deducts the employee's contribution from the wages payable to the employee for credit to a Provident Fund or Family Pension Fund established by any law for the time being in force, shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said law, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.]

[Explanation 2. - A person, being an employer, who deducts the employees' contribution from the wages payable to the employee for credit to the Employees' State Insurance Fund held and administered by the Employees’ State Insurance Corporation established under the Employees’ State Insurance Act, 1948 (34 of 1948), shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said Act, shall be deemed to have dishonestly used the amount of the said contribution in violation of direction of law as aforesaid.]

Illustrations

(a) A, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to
divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.

(b) A is a warehouse-keeper. Z going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse room. A dishonestly sells the goods. A has committed criminal breach of trust.

(c) A, residing in Calcutta, is agent for Z, residing at Delhi. There is an express or implied contract between A and Z, that all sums remitted by Z to A shall be invested by A, according to Z’s direction. Z remits a lakh of rupees to A, with directions to A to invest the same in Company’s paper. A dishonestly disobeys the directions and employs the money in his own business. A has committed criminal breach of trust.

(d) But if A, in the last illustration, not dishonestly but in good faith, believing that it will be more for Z’s advantage to hold shares in the Bank of Bengal, disobeys Z’s directions, and buys shares in the Bank of Bengal, for Z, instead of buying Company’s paper, here, though Z should suffer loss, and should be entitled to bring a civil action against A, on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.

(e) A, a revenue-officer, is entrusted with public money and is directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. A dishonestly appropriates the money. A has committed criminal breach of trust.

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed 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.

Form of Charge:

Model Form of charge under Section 406

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused) as follows:

That you, on or about the __________day of___________ were entrusted with _________ (mention the amount of property) between ____________day of _________ and ____________day of ____________ were entrusted _________ (specify the amount or the different items where they are more than one) and committed criminal breach of trust in respect of the said money or property, and thereby committed an offence under Section 406 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

407. Criminal breach of trust by carrier, etc:

Whoever being entrusted with property as a carrier, wharfinger or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 407

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the _________day of _________ were entrusted with _________ (mention the amount of property) between _________day of _________ and _________day of _________ were entrusted _________ (specify the amount or the different items where they are more than one) and committed criminal breach of trust in respect of the said property, and thereby committed an offence under Section 407 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."
That, on or about the _______ day of _________ at___________ you were entrusted with _______________(specify the property), as a carrier/wharfinger/warehouse-keeper, and you committed criminal breach of trust in respect of that property, and thereby committed an offence, punishable under Section 407 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

408. Criminal breach of trust by clerk or servant:

Whoever, being a clerk or servant or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 408

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about _________ the day of ___________ at___________ you were a clerk/servant of (or were employed, as a clerk/servant, by) AB and were, in such capacity, entrusted with the property (or with any dominion over that property) _______(specify the property), and that you committed a criminal breach of trust in respect of that property and thereby committed an offence, punishable under Section 408 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

409. Criminal breach of trust by public servant, or by banker, merchant or agent:

Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that 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.

Form of Charge:

Model Form of charge under Section 409

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ____________ day of at __________ you were entrusted with property (or dominion over property) ______(specify the property) in your capacity of a public servant (or in the way of your business as a banker/merchant/factor/broker/attorney/or agent) and that you committed criminal breach of trust in respect of that property and thereby committed an offence, punishable under Section 409 of the Indian Penal Code and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Of the Receiving of Stolen Property

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 designated 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 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.

STATE AMENDMENTS:

Tamil Nadu Section 411 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

"(2) Whoever dishonestly receives or retains any idol or icon stolen from any building used as a place of worship knowing or having reason to believe the same to be stolen property shall notwithstanding anything contained in sub-section (1), be punished with rigorous imprisonment which shall not be less than two years but which shall not be less than two thousand rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than two years." [Vide Tamil Nadu Act 28 of 1993, Section 3]

Form of Charge:

Model Form of charge under Section 411

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ____________day of __________at______you dishonestly received (or retained) stolen property _____(specify the property), belonging to AB, knowing (or having reason to believe) that the said property was stolen property, and that you thereby committed an offence, punishable under Section 411 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

412. Dishonestly receiving property stolen in the commission of a dacoity:

Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or dishonestly receives from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with [imprisonment for life], or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 412

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the __________________day of _________at______dishonestly received (retained) stolen property __________(specify the property) knowing (or having reason to believe) the said property to have been transferred by the commission of dacoity or dishonestly received, from AB, whom you knew (or had reason to believe) to belong to (or to have belonged to) a gang of dacoits, property ___(specify the property), which you knew (or had reason to believe) to have been stolen, and that you thereby
committed an offence, punishable under S. 412 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

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.

Form of Charge:

Model Form of charge under Section 413

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you were a habitual receiver (or dealer) in stolen property and that you, on or about the _______day of ______ at_______received (or dealt with) property, which you knew (or had reason to believe) to be stolen property and you thereby committed an offence under Section 413 of the Indian Penal Code, and with the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

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.

Form of Charge:

Model Form of charge under Section 414

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows

That you, on or about the ____________day of _________at_______voluntarily assisted in concealing (or disposing of or making away with) the property_________(specify the property), which you knew (or had reason to believe) to be stolen property, and thereby committed an offence under Section 414 of the Indian Penal Code, and with my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

Of Cheating

415. Cheating:

Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat".

Explanation. - A dishonest concealment of facts is a deception within the meaning of this section.

Illustrations
(a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

(b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.

(c) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

(d) A, by tendering in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.

(e) A, by pledging as diamonds, articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money. A cheats.

(f) A intentionally deceives Z into a belief that A means to repay any money that Z may lead to him and thereby dishonestly induces Z to lend him money. A not intending to repay it. A cheats.

(g) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not intend to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A cheats; but if a, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money. A cheats.

(i) A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z, without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

416. Cheating by personation:

A person is said to "cheat by personation" if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.

Explanation. - The offence is committed whether the individual personated is a real or imaginary person.

Illustrations

(a) A cheats by pretending to be a certain rich banker of the same name. A cheats by personation.

(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

417. Punishment for cheating:

Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

418. Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect:
Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates, he was bound, either by law, or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

**Form of Charge:**

Model Form of charge under Section 418

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _____day of ________at__________you cheated AB by ___________(specify the act constituting the offence) with the knowledge that you were thereby likely to cause wrongful loss to the said AB, whose interest in the transaction, to which the cheating related, you were bound by law (or by a legal contract) to protect, and that you thereby committed an offence, punishable under Section 418 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**419. Punishment for cheating by personation:**

Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

**Form of Charge:**

Model Form of charge under Section 419

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the ____________day of ___________at __________ cheated AB by pretending yourself to be CD or by knowingly substituting EF for CD (or by representing that EF was CD) and, by deceiving him fraudulently (or dishonestly), induced him to deliver_______(describe the property) or to consent that he shall retain _______(describe the property) or intentionally induced him to do (or omit to do) ______(name the act or the omission, as the case may be) which he would not do (for omit to do) if he were not so deceived by you and which act (or omission) caused (or was likely to cause) damage (or harm) to him in body, mind, reputation or property, and thereby committed an offence, punishable under Section 419 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**420. Cheating and dishonestly inducing delivery of property:**

Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**Form of Charge:**

Model From of charge under Section 420

"I (name and office of Magistrate, etc.) hereby charge you you (name of accused person) as follows :

That, on or about the ____________day of ______________at _____________ you cheated AB by dishonestly inducing him to deliver ______________(mention the property) to ______(name the person to
whom property in question was delivered) (or to make, alter or destroy the whole, or any part, or a valuable security or anything which is signed or sealed and which is capable of being converted into a valuable security), and that you thereby committed an offence, punishable under Section 420 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

Of Fraudulent Deeds and Dispositions of Property

421. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors:

Whoever dishonestly or fraudulently removes, conceals or delivers to any person, or transfer or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 421

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about ____________ at ____________ you dishonestly (fraudulently) removed (concealed or delivered or transferred or caused to be transferred) to A without adequate consideration certain property (description of property) intending thereby to prevent (or knowing it likely that it will thereby prevent) distribution of that property among your creditors (or the creditors of any other person) and that you have thereby committed an offence punishable under Section 421, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

422. Dishonestly or fraudulently preventing debt being available for creditors:

Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 422

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about ____________ at ____________ you prevented a debt (specify) or demand due to you or to A, from being made available, according to law for payment of your debt or the debt of A and and thereby committed an offence punishable under Section 422, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

423. Dishonest or fraudulent execution of deed of transfer containing false statement of consideration:

Whoever dishonestly or fraudulently signs, executes or becomes a party to any deed or instrument which
purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 423

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about ____________ at ______________ you dishonestly or fraudulently signed (executed) or became a party to a deed or instrument which purported to transfer or subject to any charge a property, namely (specify the property) or any interest therein and which contained a false statement relating to consideration for the transfer or relating to the person or persons for whose use or benefit it is really intended to operate and that you have thereby committed an offence punishable under Section 423, I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

424. Dishonest or fraudulent removal or concealment of property:

Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 424

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about ____________ at ______________ you dishonestly or fraudulently concealed or removed a certain property namely _______________ belonging to you (or A) or dishonestly or fraudulently assisted in the concealment and removal of such property or dishonestly released a certain demand or claim to which you are entitled, namely and that you thereby committed an offence punishable under Section 424, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

Of Mischief

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 affect it injuriously, commits "mischief".

Explanation 1. - It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2. - Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.
Illustrations

(a) A voluntarily burns a valuable security belonging to Z intending to cause wrongful loss to Z. A has committed mischief.

(b) A introduces water into an ice-house belonging to Z and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

(c) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.

(d) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. A has committed mischief.

(e) A, having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the under-writers. A has committed mischief.

(f) A causes a ship to be cast away, intending thereby to cause damage to Z who has lent money on bottomry on the ship. A has committed mischief.

(g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(h) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z’s crop. A has committed 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.

Form of Charge:

Model Form of charge under Section 426

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about __________ at______ you committed mischief by causing wrongful loss or damage to the property of A valued at Rs._________ and that you have thereby committed the offence under Section 426, I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

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.

Form of Charge:

Model Form of charge under Section 427

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about __________ at______ you committed mischief by causing wrongful loss or damage to
the property of A valued at Rs. _______(more than Rs. 50) and you have thereby committed an offence punishable under Section 427, I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

**428. Mischief by killing or maiming animal of the value of ten rupees:**

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.

*Form of Charge:*

Model Form of charge under Section 428

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about__________at__________you committed mischief by killing or maiming or poisoning or rendering useless any animals namely _______which was the property of A, valued at Rs. _______(more than Rs. 10 and less than Rs. 50) and you thereby committed an offence punishable under Section 428, I.P.C., and within my cognizance.

And I hereby direct that you be tried on the said charge."

**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.

*Form of Charge:*

Model Form of charge under Section 429

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ___________day of _________at___you committed mischief by killing/or poisoning/or maiming/or rendering useless an animal, to wit_____________(mention animal, if specified in the section, and its value of Rs. 50 or more if not so specified), and thereby committed an offence, punishable under Section 429 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**430. Mischief by injury to works of irrigation or by wrongfully diverting water:**

Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

*Form of Charge:*

Model Form of charge under Section 430

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about _________at__________you committed mischief by doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for carrying on any manufacture.
"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ____________day of ____________at ____you committed mischief by doing an act, to wit__________(describe it), which caused (or which you knew to be likely to cause) a diminution of the supply of water of AB for agricultural purpose (or for food or drink, etc.), and that you thereby committed an offence, punishable under Section 430 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

431. Mischief by injury to public road, bridge, river or channel:

Whoever commits mischief by doing any act which renders or which he knows to be likely to render any public road, bridge, navigable river or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 431

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _______day of ______at________you committed mischief by doing an act, to wit____________(describe the act), which rendered (or which you knew to be likely to render) a public road (or a bridge, or a navigable river, or a navigable channel) to wit_________(describe it) impassable (or less safe for travelling or coneying property), and that you thereby committed an offence, punishable under Section 431 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

32. Mischief by causing inundation or obstruction to public drainage attended with damage:

Whoever commits mischief by doing any act which causes or which he knows to be likley to cause an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 432

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______________day of ______at_____you committed mischief by doing an act, to wit_____________(describe it), which caused (or which you knew to be likely to cause) an inundation (or an obstruction) to a public drainage, to wit_________(describe it), attended with injury (or damage), and that you thereby committed an offence, punishable under Section 432 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

433. Mischief by destroying, moving or rendering less useful a light-house or sea-mark:

Whoever commits mischief by destroying or moving any light- house or other light used as a sea-mark, or any sea-mark or buoy or other thing placed as a guide for navigators, or by any act which renders any such light- house, sea-mark, buoy or other such thing as aforesaid less useful as a guide for navigators, shall
be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

**Form of Charge:**

Model Form of charge under Section 433

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _____________day of _______at________ you committed mischief by destroying (or moving) a light-house or the light used as a seamark/or the sea mark/or the buoy/or the thing, to wit_____(describe it) placed as a guide for navigators or you did an act, to wit__________(describe it), which rendered such light-house, etc. less useful as a guide for navigators, and that you thereby committed an offence, punishable under Section 433 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**434. Mischief by destroying or moving, etc., a land-mark fixed by public authority.**:

Whoever commits mischief by destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**Form of Charge:**

Model Form of charge under Section 434

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about _______at________ you committed mischief by destroying (or moving) a land-mark (specify) which was fixed by the authority of a public servant and that you thereby committed an offence punishable under Section 434, I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

**435. Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agricultural produce) ten rupees:**

Whoever commits mischief by fire or any explosive substance intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the amount of one hundred rupees or upwards [or (where the property is agricultural produce) ten rupees or upwards], shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 435

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ________day of _________at______you committed mischief by fire (or an explosive substance), intending thereby to (or knowing it to be likely that you will thereby) cause damage to a property, to wit______________(describe it), to the amount of Rs. 100 or more (or Rs. 10 or more if the property is agricultural produce), and that you thereby committed an offence, punishable under Section 435 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."
436. Mischief by fire or explosive substance with intent to destroy house, etc:

Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of 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.

Form of Charge:

Model Form of charge under Section 436

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _____________day of _____________at__________you committed mischief by fire (or by an explosive substance), to wit ________ (describe it), intending to cause (or knowing it to be likely that you would thereby cause) the destruction of the building, to wit ________ (describe it), which was ordinarily used as a place of worship (or as a human dwelling or as a place for the custody of property), and that you thereby committed an offence, punishable under S. 436 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

437. Mischief with intent to destroy or make unsafe a decked vessel or one of twenty tons burden:

Whoever commits mischief to any decked vessel or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe, that vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 437

"I, (name and office of Sessions Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _____________day of _____________at__________you committed mischief, to wit ________ (specify it), to a decked vessel (or to a vessel of a burden of ________ tons), to wit ________ (specify it), intending to destroy (or render unsafe) the said vessel (or knowing it to be likely that you will thereby destroy it or render it unsafe), and that you thereby committed an offence, punishable under Section 437 of the Indian Penal Code, and within the cognizance of this court.

And I hereby direct that you be tried by this court on the said charge."

438. Punishment for the mischief described in section 437 committed by fire or explosive substance:

Whoever commits, or attempts to commit, by fire or any explosive substance, such mischief as is described in the last preceding section, 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.

Form of Charge:

Model Form of charge under Section 438
The charge would be in the same form as under the preceding Section 437, with the only exceptions that it has also to be mentioned that the mischief was committed by fire or by an explosive substance and that "Section 438" has to be substituted for Section 437.

439. Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc:

Whoever intentionally runs any vessel aground or ashore, intending to commit theft of any property contained therein or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 439

"I, (name and office of Sessions Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______day of ______at _____you intentionally ran the vessel, to wit _____(describe it), a ground (or ashore) with the intention to commit theft of (or to dishonestly misappropriate) any property, contained therein, or with intent that such theft (or dishonest misappropriation) may be committed, and that you thereby committed an offence, punishable under Section 439 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

440. Mischief committed after preparation made for causing death or hurt:

Whoever commits mischief, having made preparation for causing to any person death, or hurt, or wrongful restraint, or fear of death, or of hurt, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 440

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ___________day of ______at________you committed mischief after having made a preparation, to wit, _________(describe it), for causing, to AB, death/or hurt/or wrongful restraint/or fear of death/or fear of hurt/or fear of wrongful restraint, and that you thereby committed an offence, punishable under Section 440 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

Of Criminal Trespass

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".

**STATE AMENDMENTS**
ORISSA. - In the Indian Penal Code, 1860, for Section 441, the following section shall be substituted, namely :

**441. Criminal reasons:**

Whoever enters into or upon property in 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 thereby to intimidate, insult or annoy any such person or with intent to commit an offence, or having lawfully entered into or upon such property, remains there with the intention of taking unauthorised possession or making unauthorised use of such property and fails to withdraw from such property or its possession or use, when called upon to do so by that another person by notice in writing, duly served to him, is said to commit criminal trespass. [Indian Penal Code (Orissa Amendment) Act, 1986, Section 2 (w.e.f. 6th December, 1986).

Uttar Pradesh: For Section 441, substitute the following:

**441. Criminal Trespass:**

Whoever enters into or upon property in 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, or, having entered into or upon such property, whether before or after the coming into force of the Criminal Law (U.P. Amendment) Act, 1961, with the intention of taking unauthorised possession or making unauthorised use of such property and fails to withdraw from such property or its possession or use, when called upon to do so by that another person by notice in writing, duly served upon him, by the date specified in the notice, is said to commit "criminal trespass". [Vide U.P. Act No. 31 of 1961 Section 2]

**442. House trespass:**

Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit "house-trespass".

Explanation. - The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

**443. Lurking house-trespass:**

Whoever commits house-trespass having take precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent or vessel which is the subject of the trespass, is said to commit "lurking house-trespass".

**444. Lurking house-trespass by night:**

Whoever commits lurking house-trespass after sunset and before sunrise, is said to commit "lurking house-trespass by night".

**445. House breaking:**
A person is said to commit "house-breaking" who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or, having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say -

First. - If he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to the committing of the house- trespass.

Secondly. - If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building.

Thirdly. - If he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to the committing of the house- trespass by any means by which that passage was not intended by the occupier of the house to be opened.

Fourthly. - If he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass.

Fifthly. - If he effects his entrance or departure by using criminal force or committing an assault or by threatening any person with assault.

Sixthly. - If he enters or quits by any passage which he knows to have been fastened against such entrance of departure, and to have been unfastened by himself or by an abettor of the house-trespass.

Explanation. - Any out-house or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section.

Illustrations
(a) A commits house-trespass by making a hole though the wall of Z's house, and putting his hand through the aperture. This is house-breaking.

(b) A commits house-trespass by creeping into a ship at a port-hole between decks. This is house-breaking.

(c) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, having opened a door which was fastened. This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door. This is house-breaking.

(f) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.

(g) Z is standing in his doorway. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.

(h) Z, the door-keeper of Y, is standing in Y's doorway. A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to beat him. This is house-breaking.

446. House-breaking by night:

Whoever commits house-breaking after sunset and before sunrise, is said to commit "house-breaking by night".
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, or with fine or which may extend to five hundred rupees, or with both.

*Form of Charge:*

Model Form of charge under Section 447

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

First limb.- That on or about _______at_______you committed criminal trespass by entering into or upon the property (specify the property) in the possession of A with intent to commit an offence or to intimidate or insult or annoy A (specify the offence).

Second limb. - That on or about _____at_______you committed criminal trespass having lawfully entered into or upon such property in the possession of A by unlawfully remaining there with intent thereby to intimidate, insult or annoy the said A or with intent to commit an offence; and thereby committed an offence punishable under Section 447 of the Indian Penal Code and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

448. Punishment for house-trespass:

Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

449. House-trespass in order to commit offence punishable with death:

Whoever commits house-trespass in order to the committing of any offence punishable with death, shall be punishable with imprisonment for life, or with rigorous imprisonment for a term not exceeding ten years, and shall also be liable to fine.

*Form of Charge:*

Model Form of charge under Section 449

"I (name and office of Session Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _______day of ______at_______you committed house- trespass by entering into (or lawfully remaining in) the building/tent/vessel of AB, to wit__________(describe it), used as a human dwelling/place of worship/place for the custody or property, to wit___________(specify it), in order to the committing of the offence of _______(specify it), which is punishable with death, and that you thereby committed an offence, punishable under Section 449 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

450. House-trespass in order to commit offence punishable with imprisonment for life:

Whoever commits house-trespass in order to the committing of any offence punishable with [imprisonment for life], shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Model Form of charge under Section 450
Same as in the case of an offence under the preceding Section 449 with the only exception that the nature of the offence, in order to commit which the house trespass was committed, is to be varied and specified.

451. House-trespass in order to commit offence punishable with imprisonment:

Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

452. House-trespass after preparation for hurt, assault or wrongful restraint:

Whoever commits house-trespass, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 452

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:
That, on or about the ________day of ________at________you committed house- trespass by entering into (or unlawfully remaining in) a building/tent/vessel, to wit_________(describe it), of AB, used as a human dwelling/place of worship/place of custody of property, to wit__________(specify it), having made preparation for causing hurt to (or for assaulting/wrongfully restraining) the said AB (or for putting him in such fear), and that you thereby committed an offence, punishable under Section 452 of the Indian Penal Code, and within the cognizance of this Court.
And I hereby direct that you be tried by this Court on the said charge."

453. Punishment for lurking house-trespass or house-breaking:

Whoever commits lurking house-trespass or house-breaking, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 453

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:
That, on or about____________at____________you committed lurking house-trespass as defined in Section 443 (or house-breaking) as defined in Section 445 by entering into a house belonging to A, used as a human dwelling or quitted the house in the manner set out_______________ and that you thereby committed an offence punishable under Section 453, I.P.C. and within my cognizance.
And I hereby direct that you be tried by this Court on the said charge."

454. Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment:

Whoever commits lurking house-trespass or house-breaking in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which
punishable with imprisonment, 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 intended to be committed is theft, the term of the imprisonment may be extended to ten years.

**STATE AMENDMENTS:**

Tamil Nadu: Section 454 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:

"(2) Whoever commits lurking house-trespass or house-breaking in any building used as a place of worship, in order to the committing of the offence of theft of any idol or icon from such building, shall notwithstanding anything contained in sub-section (1), be punished with rigorous imprisonment which shall not be less than three years but which may extend to ten years and with fine which shall not be less than five thousand rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three years." [Vide Tamil Nadu Act 28 of 1993, Section 4]

**Form of Charge:**

Model Form of charge under Section 454

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ________ day of ________ at ________ you committed lurking house-trespass by entering into (or remaining in) a house in the possession of AB used as a human dwelling in order to the commission of the offence, to wit ________ (mention it), punishable with imprisonment, and that you thereby committed an offence, punishable under Section 454 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

**455. Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint:**

Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 455

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ________ day of ________ at ________ you committed lurking house-trespass/house-breaking, in the building in possession of AB, and used as a human dwelling (or used for the custody of property), having made preparation for causing hurt to AB (or for assaulting any person/or wrongfully restraining any person/or putting any person in fear of hurt or assault or wrongful restraint), and that you thereby committed an offence, punishable under Section 455 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

**456. Punishment for lurking house-trespass or house-breaking by night:**
Whoever commits lurking house-trespass by night, or house-breaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Form of Charge:

Model Form of Charge under Section 456

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ________day of _____at_____you committed lurking house-trespass by night (or house-breaking by night) by entering into the house (or unlawfully remaining in the house) in the possession of AB, and used as a human dwelling, after sunset and before sunrise, and that you thereby committed an offence, punishable under Section 456 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment:

Whoever commits lurking house-trespass by night, or house-breaking by night, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years.

STATE AMENDMENTS:

Tamil Nadu : Section 457 of the principal Act shall be renumbered as sub-section (1), of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

"(2) Whoever commits lurking house-trespass by night or house-breaking by night in any building used as a place of worship, in order to the committing of the offence of theft of any idol or icon from such building, shall notwithstanding anything contained in sub-section (1), be punished with rigorous imprisonment which shall not be less than three years but which may extend to fourteen years and with fine which shall not be less than five thousand rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three years."[Vide Tamil Nadu Act 28 of 1993 Sec. 5]

Form of Charge:

Model Form of Charge under Section 457

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______day of ________at____you committed lurking house-trespass by night (or house-breaking by night) by entering into the house belonging to AB, and used as a human dwelling (or used for the custody of property), after sunset and before sunrise, in order to commit the offence of ______(mention it), and that you thereby committed an offence, punishable under Section 457 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault, or wrongful restraint:
Whoever commits lurking house-trespass by night, or house-breaking by night, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 458

Same as in case of an offence under Section 455, ante, with the only changes that words "by night" would be added after the words "lurking house trespass" or "house breaking", as the case may be, and `S. 458` would be substituted for `S. 455`.

**459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking:**

Whoever, whilst committing lurking house-trespass, or house-breaking, causes grievous hurt to any person or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 459

"I, (name and office of Session Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ___________ day of __________ at __________ you, while committing lurking house trespass/house-breaking, caused grievous hurt to AB (or attempted to cause death or grievous hurt to AB) and that you thereby committed an offence, punishable under S. 459 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said

**460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them:**

If at the time of the committing of lurking house-trespass by night or house-breaking by night, any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass by night or house-breaking by night, 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.

**Form of Charge:**

Model Form of charge under Section 460

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _______ day of ______________ at _______ you were jointly concerned with other persons in committing lurking house-trespass by night (or house-breaking by night) by entering into the house in possession of AB, and used as a human dwelling and that, at the time of doing so, any of the persons, so jointly concerned, voluntarily caused death of (or attempted to cause death of, or grievous hurt to) the said AB, and that you thereby committed an offence, punishable under Section 460 of the Indian Penal Code, and within the cognizance of this court.
461. Dishonestly breaking open receptacle containing property:

Whoever dishonestly or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 461

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about _________________at______________you dishonestly or (with intent to commit mischief) broke it open (or unfastened) a closed receptacle which contained or which you believed to contain property (specify the property) and you have thereby committed an offence punishable under Section 461, I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court the said charge."

462. Punishment for same offence when committed by person entrusted with custody:

Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 462

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ____________day of ______at_______you, being entrusted with a closed receptacle, to wit_____(describe it), by AB, which contained (or which you believed to contain) property, to wit ___________(mention it) dishonestly (or with intent to commit mischief) broke open (or unfastened) the said receptacle, without having authority to open the same, and that you thereby committed an offence, punishable under Section 462 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

CHAPTER XVIII
OF OFFENCES RELATING TO DOCUMENTS AND TO PROPERTY MARKS

463. Forgery:

[Whoever makes any false documents or false electronic record or part of a document or electronic record, with intent to cause damage or injury] to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.
464. Making a false document:

[A person is said to make a false document or false electronic record -

First. - Who dishonestly or fraudulently -

(a) makes, signs, seals or executes a document or part of a document;

(b) makes or transmits any electronic record or part of any electronic record;

(c) affixes any [electronic signature] on any electronic record;

(d) makes any mark denoting the execution of a document or the authenticity of the [electronic signature].

With the intention of causing it to be believed that such document or part of document, electronic record or
[electronic signature] was made, signed, sealed, executed, transmitted or affixed by or by the authority of a
person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or

Secondly. - Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a
document or an electronic record in any material part thereof, after it has been made, executed or affixed with [electronic signature] either by himself or by any other person, whether such person be living or dead
at the time of such alteration; or

Thirdly. - Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or
an electronic record or to affix his [electronic signature] on any electronic record knowing that such person
by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon
him, he does not know the contents of the document or electronic record or the nature of the alteration.]

Illustrations

(a) A has a letter of credit upon B for rupees 10,000 written by Z. A, in order to defraud B, adds a cipher to
the 10,000, and makes the sum 1,00,000 intending that in may be delivered by B that Z so wrote the letter. A
has committed forgery.

(b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from
Z to A, with the intent of selling the estate to B, and thereby of obtaining from B the purchase-money. A
has committed forgery.

(c) A picks up a cheque on a banker signed by B, payable to brearer, but without any sum having been
inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand rupees. A
commits forgery.

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable and
authorizes B to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of
making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand rupees.
B commits forgery.

(e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a
genuine bill with a banker and intending to take up the bill on its maturity. Here, as A draws the bill with intent
to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the
bill. A is guilty of forgery.

(f) Z's will contains the these words - "I direct that all my remaining property be equally divided between A, B
and C." A dishonestly scratches out B's name, intending that it may be believed that the whole was left to
himself and C. A has committed forgery.

(q) A endorses a Government promissory note and makes it payable to Z or his order by writing on the bill
the words "Pay to Z or his order" and signing the endorsement. B dishonestly erases the words "Pay to Z or his order", and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.

(k) A without B's authority writes a letter and signs it in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery inasmuch as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an express or implied contract for service.

Explanation 1. - A man's signature of his own name may amount to forgery.

Illustrations

(a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed forgery.

(b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and negotiate the bill as though it had been accepted by Z. A is guilty of forgery; and if B, knowing the fact, draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(c) A picks up a bill of exchange payable to the order of a different person of the same name. A endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person whose order it was payable; here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B. B, after the seizure of the estate, in collusion with Z, executes a lease of the estate of Z, at a nominal rent and for a long period and dates the lease six months prior to the seizure, with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.

(e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his creditors; and in order to give a colour to the transaction, writes a promissory note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2. - The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

Illustration

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.
Explanation 3. - For the purpose of this section, the expression "affixing [electronic signature] shall have the meaning assigned to it in clause (d) of sub-section (1) of section 2 of the Information Technology Act, 2000."

465. Punishment for forgery. - Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 465

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, you on or about __________at_________ forged a certain document namely __________ with intent to cause damage or injury to A for to support any claim or title or to cause any person to part with property or to enter into express or implied contract or with intent to commit fraud or that fraud may be committed, (strike out the unnecessary matters) and thereby, committed an offence punishable under Section 465, I.P.C. and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

466. Forgery of record of court or of public register, etc:

[Whoever forges a document or an electronic record], purporting to be a record or proceeding of or in a Court of Justice, or a register of birth, baptism, marriage or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

[Explanation. - For the purpose of this section, "register" includes any list, data or record of any entries maintained in the electronic form as defined in clause (r) of sub-section (1) of Section 2 of the Information Technology Act, 2000 (21 of 2000).]

Form of Charge:

Model Form of charge under Section 466

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _______day of _____at_________ you forged the document, Ex.___________which purported to be a record (or proceeding) of/in a Court of Justice (or a register of birth/baptism/marriage/burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment or a power of attorney), and that you thereby committed an offence punishable under Section 466 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

467. Forgery of valuable security, will, etc:

Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, moveable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment
of money, or an acquittance or receipt for the delivery of any moveable property or valuable security, 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.

**Form of Charge:**

Model Form of charge under Section 467

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _____________day of ___________at________ you forged a document Ex.__________, purporting to be a valuable security (or a will made by ______________ (or an authority, given by __________to ________, to adopt a son; or an authority, given by ________to_______, to make, or transfer, a valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, moveable property, or valuable security (or a document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any moveable property or valuable security) to wit__________ and that you thereby committed an offence, punishable under Section 467 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

**468. Forgery for purpose of cheating:**

Whoever commits forgery, intending that the [document or electronic record forged] shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 468

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______________day of ___________at_________you forged a document, Ex.__________, intending that it shall be used for the purpose of cheating, and that you thereby committed an offence, punishable under Section 468 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

**469. Forgery for purpose of harming reputation:**

Whoever commits forgery, [intending that the document or electronic record forged] shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 469

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ________day of ________at___________, you forged a document, Ex.______, intending that the same shall harm the reputation of AB (or knowing that it is likely to be used for the purpose of harming the reputation of AB), and that you thereby committed an offence, punishable under
Section 469 of the Indian Penal Code, and within the cognizance of the Court.

And I hereby direct that you be tried by this Court on the said charge."

470. Forged [document or electronic record]:

A false [document or electronic record] made wholly or in part by forgery is designated "a forged [document or electronic record]

471. Using as genuine a forged document [document or electronic record]:

Whoever fraudulently or dishonestly uses as genuine any [document or electronic record] which he knows or has reason to believe to be a forged [document or electronic record] shall be punished in the same manner as if he had forged such [document or electronic record].

Form of Charge :

Model Form of charge under Section 471

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the _________day of _____at______fraudulently (or dishonestly) used, as genuine, a document, Ex.___________which you knew (or which you had reason to believe), at the time when you used it, to be a forged document, and that you thereby committed an offence, punishable under Sections 465 (or 466 or 467) and 471 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

472. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under Section 467:

Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under Section 467 of this Code, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge :

Model Form of charge under Section 472

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the_________day of _____at_____ you made (or counterfeited) a seal (or a plate or an instrument), Ex.______, for making an impression, intending that the same shall be used for the purpose of committing a forgery, punishable under Section 467 of the Indian Penal Code or had, in your possession, a seal (or a plate or an instrument) Ex.______, intending that the same shall be used for the purpose of committing a forgery, punishable under Section 467 of the Indian Penal Code, and that you thereby committed an offence, punishable under Section 472 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

473. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise:
Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than Section 467, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:
Model Form charge under Section 473

The form of charge under the preceding S. 472 may be adopted substituting "any section of Chapter XVIII, other than S. 467, of the Indian Penal Code" for the words: "Section 467, of the Indian Penal Code", wherever they occur, and "Section 473" for "Section 472"

474. Having possession of document described in Section 466 or 467, knowing it to be forged and intending to use it as genuine:

[Whoever has in his possession any document or electronic record, knowing the same to be forged and intending that the same shall fraudulently or dishonestly be used as a genuine, shall, if the document or electronic record is one of the description mentioned in section 466 of this Code] be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in section 467, shall be punished with [imprisonment for life], or with imprisonment of either description, for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:
Model Form of charge under Section 474

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ___________ day of ____________ at ______________ you had, in your possession, the document __________ (describe it as mentioned in S. 466, or S. 467 of the Indian Penal Code), knowing the same to be forged and that the same shall fraudulently (or dishonestly) be used as genuine, and that you thereby committed an offence, punishable under Section 474 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

475. Counterfeiting device or mark used for authenticating documents described in Section 467, or possessing counterfeit marked material:

Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document described in Section 467 of this Code, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who, with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge:
Model Form of charge under Section 475

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:
That, on or about the ___________ day of ____ at________ you counterfeited, upon (or in the substance of) a material to wit_____________(describe it), a device (or mark), to wit__________used for the purpose of authenticating a document, to wit_________ being a document described in Section 467 of the Indian Penal Code, (or you had, in you possession, a material) to wit_________ upon (or in the substance of) which a device (or mark), to wit_______had been counterfeited, for the purpose of authenticating a document, to wit____ being a document, described in Section 467 of the Indian Penal Code), intending that such device (or mark) shall be used for the purpose of giving the appearance of authenticity to such document, then forged (or thereafter to be forged) on such material and that you thereby committed an offence, punishable under Section 475 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

**476. Counterfeiting device or mark used for authenticating documents other than those described in Section 467, or possessing counterfeit marked material:**

Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating [any document or electronic record] other than the documents described in Section 467 of this Code, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 476

The Form of charge give under Section 475 may be adopted, substituting "being a document other than those described in Section 467 of the Indian Penal Code" for the words "being a document described in Section 467 of the Indian Penal Code", and "punishable under Section 476 of the Indian Penal Code" for the words "punishable under Section 475 of the Indian Penal Code"

**477. Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security:**

Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys or defaces, or attempts to cancel, destroy or deface, or secretes or attempts to secrete any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or commits mischief in respect of such document, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**Form of Charge:**

Model Form of charge under Section 477

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _______ day of ______ at____ you fraudulently (or dishonestly) or with intent to cause damage (or injury) to AB (or to the public) cancelled (or destroyed/defaced/secreted/attempted to cancel/attempted to destroy/attempted to deface/attempted to secrete/committed mischief in respect to) a document. Ex. ______ which is (or which purported to be) a will (or an authority to adopt a son/a valuable security) and that you thereby committed an offence, punishable under Section 477 of the Indian Penal Code, and within the cognizance of this Court."
And I hereby direct that you be tried by this court on the said charge.

477-A. Falsification of accounts:

Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, wilfully, and with intent to defraud, destroys, alters, mutilates or falsifies any [book, electronic record, paper, writing] valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or willfully, and with intent to defraud, makes or abets the making of any false entry in, or omits or alters or abets the omission or alteration of any material particular from or in, any such [book, electronic record, paper, writing] valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation. - It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud, or any particular day on which the offence was committed.

Form of Charge:

Model Form of charge under Section 477-A

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ____________ day of __________ at __________ you being a clerk (or an officer, or a servant, or employed or acting in the capacity of a clerk, officer or servant), wilfully, and with intent to defraud, destroyed (or altered, mutilated or falsified) a book (or paper, writing, valuable security or account), to wit ______________ which belonged to (or which was in the possession of) your employer AB (or which was received by you for, or on behalf of, you employer AB) or you wilfully, and with intent to defraud, made (or abetted the making of) a false entry, to wit ______________, in or you omitted altered/abetted the omission or alteration of a material particular from, or in) a book (paper/writing/valuable security/account), to wit ______________, and that you thereby committed an offence, punishable under Section 477-A of the Indian Penal Code, and within the cognizance of this court.

And I hereby direct that you be tried by this Court on the said charge."

Of Property and Other Marks

478. Trade marks:

Repealed by the Trade and Merchandise Marks Act, 1958 (43 of 1958), Section 135 and Sch. w.e.f. 25.11.1959.

479. Property mark:

A mark used for denoting that moveable property belongs to a particular person is called a property mark.

480. Using a false trade mark:

Repealed by the Trade and Merchandise Marks Act, 1958 (43 of 1958) Section 135 and Sch. (w.e.f. 25.11.1959).

481. Using a false property mark:

Whoever marks any moveable property or goods or any case, package or other receptacle containing
moveable property or goods, or uses any case, package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods, contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.

482. Punishment for using a false property mark:

Whoever uses any false property mark shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

*Form of Charge:*

Model Form of charge under Section 482

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about ___________at_________you used a __________false property mark, namely __________to denote that _________certain goods were the property of A whose property they were not, that such marking was done with an intention to defraud and thereby you committed an offence punishable under Section 482, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

483. Counterfeiting a property mark used by another:

Whoever counterfeits any property mark used by any other person shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

*Form of Charge:*

Model Form of charge under Section 483

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about ___________at_________you counterfeited a property mark, namely _______used by A and that you thereby committed an offence punishable under Section 483, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

484. Counterfeiting a mark used by a public servant:

Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the property is of a particular quality or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

*Form of Charge:*

Model Form of charge under Section 484

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ________day of _______at_______you counterfeited a mark (or property mark), to
wit used by a public servant, to wit, to denote that some property was manufactured by a particular person (or at a particular time or place) to wit (or that the property is of a particular quality, to wit or that the property has passed through a particular office, to wit or that the property is entitled to a particular exemption, to wit) (or used, as genuine a mark), (or property mark), to wit, knowing the same to be counterfeit, and that you thereby committed an offence, punishable under Section 484 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge.

485. Making or possession of any instrument for counterfeiting a property mark:

Whoever makes or has in his possession any die, plate or other instrument for the purpose of counterfeiting a property mark, or has in his possession a property mark for the purpose of denoting that any goods belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years or with fine, or with both.

Form of Charge:
Model Form of charge under Section 485

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows: That, on or about the day of at you made (or had in your possession) a die (or plate or instrument), to wit, for the purpose of counterfeiting a property mark, to wit (or had, in your possession, the property mark, Ex. for the purpose of denoting that certain goods to wit belonged to AB, to whom they did not belong), and that you thereby committed an offence, punishable under Section 485 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

486. Selling goods marked with a counterfeit property mark:

Whoever sells, or exposes, or has in possession for sale, any goods or things with a counterfeit property mark affixed to or impressed upon the same or to or upon any case, package or other receptacle in which such goods are contained, shall, unless he proves:

(a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark, and

(b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things, or

(c) that otherwise he had acted innocently.

be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Form of Charge:
Model Form of charge under Section 486

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows: That on or about at you sold or (exposed for sale or possessed for sale) certain goods namely with a counterfeit property mark, namely
affixed to (or impressed upon) the said goods for a counterfeit property mark impressed upon any case, package or other receptacle in which such goods were contained) and that you have thereby committed an offence punishable under Section 486, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this court on the said charge."

487. Making a false mark upon any receptacle containing goods:

Whoever makes any false mark upon any case, package or other receptacle containing goods, in a manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that it does not contain goods which it does contain, or that the goods contained in such receptacle are of a nature or quality different from the real nature or quality thereof, shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.]

Form of Charge:

Model Form of charge under Section 487

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______day of __________at_____you made a false mark, to wit________ upon a case (or package or other receptacle), to wit_________containing goods, in a manner reasonably calculated to cause a public servant (or any other person), to wit__________to believe that such receptacle contained goods, to wit__________, which it did not contain (or that it did not contain goods, which it did contain) (or that the goods, contained in such receptacle, were of a nature (or quality) different from the real nature (or quality) thereof, and that you thereby committed an offence, punishable under Section 487 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

488. Punishment for making use of any such false mark:

Whoever makes use of any such false mark in any manner prohibited by the last foregoing section shall, unless he proves that he acted without intent to defraud, be punished as if he had committed an offence against that section.]

Form of Charge:

Model Form of charge under Section 488

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows;

That, on or about the ______________day of _______at __________you made used of a false mark, to wit_______ upon a case (or package or other receptacle), to wit____________, containing goods, in a manner reasonably, calculated to cause a public servant (or any other person), to wit__________to believe that such case contained goods, to wit___________ which it did not contain (or that it did not contain goods, which it did contain) (or that the goods, contained in such respectable, were of a nature (or quality) different from the real nature (or quality) thereof, and that you thereby committed an offence, punishable under Section 487 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

489. Tampering with property mark with intent to cause injury:
Whoever removes, destroys, defaces or adds to any property mark, intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.]

Form of Charge:

Model Form of charge under Section 489

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That on or about ____ at ____ you removed (or destroyed, defaced or added to) a property mark, namely ___, intending (or knowing it to be likely) that you may thereby cause injury to A and that you have thereby committed an offence punishable under Section 489, I.P.C., and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

Of Currency-Notes and Bank-Notes

489-A. Counterfeiting currency-notes or bank-notes:

Whoever counterfeits, or knowingly, performs any part of the process of counterfeiting, any currency- note or bank-note, 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.

Explanation. - For the purposes of this section and of sections 489-B, [489-C, 489-D and 489-E], the expression "bank-note" means a promissory note or engagement for the payment of money to bearer on demand issued by any person carrying on the business of banking in any part of the world, or issued by or under the authority of any State or Sovereign Power, and intended to be used as equivalent to, or as a substitute for money.

Form of Charge:

Model Form of charge under Section 489-A

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the ___________ day of __________ at ______, counterfeited (or knowingly performed a part of the process of counterfeiting, to wit __________) a currency-note (or a bank-note) of the value of __________ rupees, and thereby committed an offence, punishable under S. 489-A of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

489-B. Using as genuine, forged or counterfeit currency-notes or bank-notes:

Whoever sells to, or buys or receives from, any other person, or otherwise traffics in or uses as genuine, any forged or counterfeit currency- note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, 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.

Form of Charge:

Model Form of charge under Section 489-B

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the __________ day of ______ at ______, sold to AB (or bought, or
received, from AB, or trafficked, in, or used, as genuine), a forged (or counterfeit) currency-note (or bank note), to wit________, knowing (or having reason to believe) the same to be forged (or counterfeit), and that you thereby committed an offence punishable under S. 489-B of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

489-C. Possession of forged or counterfeit currency-notes or bank-notes:

Whoever has in his possession any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 489-C

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows: That, on or about the ______day of _________at ___________you had, in you possession, a forged (a counterfeit) currency-note (or bank-note), to wit__________________knowing (or having reason to believe) the same to be forged (or counterfeit) intending to use the same as genuine (or that it may be used as genuine), and that you thereby committed an offence, punishable under Section 489-C of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

489-D. Making or possession instruments or materials for forging or counterfeiting currency-notes or bank-notes. - Whoever makes, or performs, any part of the process of making, or buys or sells or disposes of, or has in his possession, any machinery, instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency-note or bank-note 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.

Form of Charge:

Model Form of charge under Section 489-D

"I, (name and office of Session Judge, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______day of _________at ________you made (or performed any part of the process of making, or bought or sold or disposed of, or had, in your possession), a machinery (or instrument or material) to wit________, for the purpose of being used (or knowing or having reason to believe that it was intended to be used) for forging (or counterfeiting) a currency-note (or bank-note), to wit______and that you thereby committed an offence, punishable under Section 489-D of the Indian Penal Code and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

489-E. Making or using documents resembling currency-notes or bank-notes:

(1) Whoever makes, or causes to be made, or uses for any purpose whatsoever, or delivers to any person, any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive any currency-note or bank-note shall be punished with fine which may extend to one hundred rupees.
(2) If any person, whose name appears on a document the making of which is an offence under sub-
section (1) refuses, without lawful excuse, to disclose to a police-officer on being so required the name
and address of the person by whom it was printed or otherwise made, he shall be punished with fine which
may extend to two hundred rupees.

(3) Where the name of any person appears on any document in respect of which any person is charged
with an offence under sub-section (1) or on any other document used or distributed in connection with that
document it may, until the contrary is proved, be presumed that person caused the document to be made.

Form of Charge:

Model Form of charge under Section 489

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

Clause (1). - That on or about _______at____you name (or caused to be made or used or delivered) a
document purporting to be or in any way resembling (or so nearly resembling) any currency-note or a bank-
note calculated to deceive and that you have thereby committed an offence punishable under Section 489-
E of the Indian Penal Code and within my cognizance charge.

And I hereby direct that you be tried on the said.

Clause (2). - That on or about _______at____________you whose name appears on
the document referred to in clause (1) above refused without lawful excuse, to disclose________to the police officer
on being so required, the name and address of the person______by whom it was printed or otherwise
made and that you have thereby committed an offence punishable under Section 489-E of the Indian
Penal Code and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

CHAPTER XIX
OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE

490. Breach of contract of service during voyage or journey:

Repealed by the Workmen's Breach of Contract (Repealing) Act, 1925 (3 of 1925) S. 2 and Sch.

491. Breach of contract to attend on and supply wants of helpless person:

Whoever, being bound by a lawful contract to attend on or to supply the wants of any person who, by
reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable
of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished
with imprisonment of either description for a term which may extend to three months, or with fine which may
extend to two hundred rupees, or with both.

Form of Charge:

Model Form of charge under Section 491

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about ___________at __________you had entered into a lawful contract to attend or supply
the wants of A who by reason of youth, or unsoundness of mind or of a disease or bodily weakness
(specify which out of the above may apply) was helpless and was incapable of providing for his own safety or of supplying his own wants and that you voluntarily omitted to do so and thereby committed an offence punishable under Section 491 of the Indian Penal Code and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

492. Breach of contract to serve at distant place to which servant is conveyed at master's expense:

Repealed by the Workmen's Breach of Contract (Repealing) Act, 1925 (3 of 1925) S. 2 and Sch.

CHAPTER XX
OF OFFENCES RELATING TO MARRIAGE

493. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage:

Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Form of Charge:

Model Form of charge under Section 493

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the _____________day of __________at___________you, by deceit, caused a woman AB, who was not lawfully married to you, to believe that she was lawfully married to you and to cohabit (or to have sexual intercourse) with you, and that you thereby committed an offence, punishable under Section 493 of the Indian Penal Code and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge.

494. Marrying again during lifetime of husband or wife:

Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception. - This section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

Form of Charge:

Model Form of charge under Section 494

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:
That, on or about the ______________day of ______________, at ______________, you, already having a wife (or husband) A living, married B marriage with whom was void by reason of its taking place during the lifetime of A, and that you thereby committed an offence, punishable under Section 494 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

[The charge should mention the place where the bigamous marriage was performed.]

495. Same offence with concealment of former marriage from person with whom subsequent marriage is contracted:

Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

496. Marriage ceremony fraudulently gone through without lawful marriage. - Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Form of Charge :

Model Form of charge under Section 496

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about the ______________day of ______________, at ______________ you dishonestly (for with a fraudulent intention) went through the ceremony of being married to A B, knowing that you were not thereby lawfully married, and that you thereby committed an offence, punishable under Section 496 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this court on the said charge."

497. Adultery:

Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall be punishable as an abettor.

Form of Charge :

Model Form of charge under Section 497

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about ______________ at ______________ you had sexual intercourse with A the wife of B whom you know (or had reason to believe) to be the lawfully wedded wife of B and that you did so without the consent or connivance of the husband and that you thereby committed an offence punishable under Section 479, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this court on the said charge."

498. Enticing or taking away or detaining with criminal intent a married woman:
Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 498

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person as follows: That on or about ____________ at __________ you took away (or enticed or concealed or detained) A the wife of B who you then knew (or had reason to believe) to be the wife of B, from B or C who had the care of the said A on behalf of B, with intent that the said A may have illicit intercourse with some person (give the name if available) and you have thereby committed an offence punishable under Section 498, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

CHAPTER XX-A

OF CRUELTY BY HUSBAND OR RELATIVES OF HUSBAND

498-A. Husband or relative of husband or a woman subjecting her to cruelty:

Whoever, being the husband the husband or the relative of the husband of a woman, subjects such own to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation. - For the purpose of this section, "cruelty" means -

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

CHAPTER XXI

OF DEFAMATION

499. Defamation:

Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person.
Explanation 1. - It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2. - It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3. - An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4. - No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his case or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations

(a) A says - "Z is an honest man; he never stole B's watch"; intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it fall within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation unless it fall within one of the exceptions.

(c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

First Exception. - Imputation of truth which public good requires to be made or published. - It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Second Exception. - Public conduct of Public servants. - It is not defamation to express in a good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

Third Exception. - Conduct of any person touching any public question. - It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

Illustration

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending a such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

Fourth Exception. - Publication of reports of proceedings of Courts. - It is not defamation to publish substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.

Explanation. - A Justice of the Peace or other officer holding an inquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above section.

Fifth Exception. - Merits of case decided in Court or conduct of witnesses and others concerned. - It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness or agent in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.
Illustrations

(a) A says - "I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest". A is within this exception if he says this in good faith, inasmuch as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(b) But if A says - "I do not believe what Z asserted at that trial because I know him to be a man without veracity"; A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's conduct as a witness.

Sixth Exception. - Merits of public performance. - It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation. - A performance may be substituted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or signing in the judgment of the public.

(d) A says of a book published by Z - "Z's book is foolish; Z must be a weak man. Z's book is indecent; Z must be a man of impure mind". A is within the exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no whether.

(e) But if A says - "I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine". A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

Seventh Exception. - Censure passed in good faith by person having lawful authority over another. - It is not defamation in a person having over another any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

Illustration

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his order; a parent censuring in good faith a child in the presence of other children; and school-master, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier - are within the exception.

Eight Exception. - Accusation preferred in good faith to authorised person. - It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respected to the subject-matter of accusation.

Illustration

If A in good faith accuse Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, and child, to Z's father - A is within this
exception.

Ninth Exception. - Imputation made in good faith by person for protection of his or other's interests. - It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.

Illustrations

(a) A, a shopkeeper, says to B, who manages his business - "Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty". A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(b) A, a Magistrate, in making a report of his own superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception.

Tenth Exception. - Caution intended for good of person to whom conveyed or for public good. - It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

**500. Punishment for defamation:**

Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

*Form of Charge*

Model Form of charge under Section 500

"I (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you on or about ________ at__________ defamed A, namely (set out the words used) by means of spoken words or writing intended to be read or sings of visible representations or published any imputation, concerning the said A intending to harm (or knowing or having reason to believe that such imputation will harm) the reputation of the said A, and thereby committed an offence punishable under Section 500 of the Indian Penal Code and within the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."

**501. Printing or engraving matter known to be defamatory:**

Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

*Form of Charge :

Model Form of charge under Section 501

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about __________ at__________ you printed (or engraved) some matter (specify the defamatory matter) knowing or (having reason to believe) that the same was defamatory and that you thereby committed an offence punishable under Section 501 of the Indian Penal Code and within my cognizance (or the cognizance of the Court of Session).
And I hereby direct that you be tried by this Court on the said charge."

502. Sale of printed or engraved substance containing defamatory matter:

Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 502

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That, on or about _______ at_______ you sold (or offered for sale) any printed (or engraved) substance (specify) which contained defamatory matter (specify the matter knowing that it contained such matter and that you thereby committed an offence punishable under Section 502 of the Indian Penal Code and within my cognizance or to the cognizance of the Court of Session.

And I hereby direct that you be tried by this Court on the said charge."

CHAPTER XXII
OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

503. Criminal intimidation:

Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation. - A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

504. Intentional insult with intent to provoke breach of the peace:

Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 504

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:
That on or about ____________at__________you intentionally insulted A by words (set out the words used and thereby gave provocation to A intending or knowing it to be likely that such provocation will cause A to break public peace (or to commit any other offence) and that you thereby committed an offence punishable under Section 504, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

505. Statements conducing to public mischief:

[(1) Whoever makes, publishes or circulates any statement rumour or report, -

(a) with intent to cause, or which is likely to cause, any officer soldier, [sailor or airman] in the Army, [Navy or Air Force] [of India] to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community;

shall be punished with imprisonment which may extend to [three years], or with fine, or with both.

[(2) Statements creating or promoting enmity, hatred or ill-will between classes. - Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) Offence under sub-section (2) committed in place of worship, etc. - Whoever commits an offence specified in sub-section (2) in any place of worship or in an assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]

Exception. - It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it [in good faith and] without any such intent as aforesaid.]

Form of Charge:

Model Form of charge under Section 505

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

Clause (1). - That you on or about __________ at ______ made (published or circulated) a statement (rumour or report) (give details) with intent to cause or which was likely to cause an officer (or soldier or sailor or airman) in the Army, Navy or Air Force to mutiny (or disregard or fail in his duty) (give details).

or if the offence falls under clause (b).

with intent to cause or which was likely to cause fear or alarm to the public (or to a section of the public) (specify) whereby any person may be induced to commit an offence against the State (or against public tranquility);

or if the offence falls under clause (c)."
with intent to incite or which was likely to incite a class (or community) or persons (specify and give details) to commit an offence against ____________class or community;

and you have thereby committed an offence punishable under Section 505, sub- section (1) I.P.C. and within my cognizance.

And I hereby direct that you be tried on the said charge.

Clause (2). - That you on or about ______at ______________made (published or circulated) any statement (or report containing rumour or alarming news) with intent to create (or promote or which is likely to create or promote) on grounds of religion (race, place of birth, residence, language, class or community or any other ground) (specify) feelings of enmity, hatred or ill- will between different religions (racial, language or regional) or grounds or castes or community : and thereby committed an offence punishable under Section 505 (2), I.P.C. and within my cognizance.

And I hereby direct that you be tried by the said charge.

Clause (3). - That you on or about ____________at________made (published or circulated) any statement (or report containing rumour or alarming news) with intent to create (or promote or which is likely to create or promote) on grounds of castes or communities, feelings of enmity, hatered or ill-will between different castes or communities and that you have committed the above offence under Section 505, sub-section (2) of the Indian Penal Code in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies and thereby committed an offence punishable under Section 505 (3) of the Indian Penal Code and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

506. Punishment for criminal intimidation:

Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

If threat be to cause death or grievous hurt, etc. - and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or [imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute, unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

**Form of Charge**:

Model Form of charge under Section 506

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you on or about _______________ at __________ committed criminal intimidation by threatening A with injury to his person (reputation or property) (specify which) in whom A is interested (state how interested) with intent to cause alarm to A or to cause him to do an act which he is legally bound to do) or (to cause him to omit to do an act which he is legally bound to do (specify the act) _______________ and thereby committed an offence punishable under Section 506, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

507. Criminal intimidation by an anonymous communication:

Whoever commits the offence of criminal intimidation by an anonymous communication, or having take precaution to conceal the name or abode of the person from whom the threat comes shall be punished
with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding section.

**Form of Charge:**

Model Form of charge under Section 507

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you on or about ___________ at ___________ committed criminal intimidation by sending an anonymous communication threatening A with injury to his person, reputation or property (specify which) or with injury to the person, reputation or property of A in which A is interested (state how interested) with intent to cause alarm to A or to cause him to do an act which he is legally bound to do or to cause him to omit to do an act which he is legally bound to do (specify the act) and thereby committed an offence punishable under Section 507, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

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**508. Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure:**

Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object to Divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**Illustrations**

(a) A sits dhurna at Z's door with the intention of causing it to be believed that, by so sitting, he renders Z an object of Divine displeasure. A has committed the offence defined in this Section.

(b) A threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstance that the killing would be believed to render Z an object of Divine displeasure. A has committed the offence defined in this section.

**Form of Charge:**

Model Form of charge under Section 508

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you on or about _____ at _____ voluntarily caused (or attempted to cause) A to do (or omit to do) something which the said A was not legally bound to do (or omit) (specify act or omission) by inducing (or attempting to induce) the said A to believe that he or B in whom he is interested would become by your act (specify the act) an object of Divine displeasure if the said A did not do so, or omit to do the said thing which you caused him to do (or omit) and that you thereby committed an offence punishable under Section 508, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

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**509. Word, gesture or act intended to insult the modesty of a woman:**

Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or
exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Form of Charge:

Model Form of charge under Section 509

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you on or about _______at_________intending to insult the modesty of the woman A uttered the words (specify) or made some sound or gestures or exhibited some objects (specify what was done) intending that the same shall be heard or seen by A (that you intruded upon the privacy of A) and that you thereby committed an offence punishable under Section 509, I.P.C. and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge."

510. Misconduct in public by a drunken person:

Whoever, in a state of intoxication, appears in any public place, or in any place which to is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to ten rupees, or with both.

Form of Charge:

Model Form of charge under Section 510

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you on or about _______at_________appeared in state of intoxication in a public place (or a place where you have no right to enter) (specify the place and conducted yourself in such a manner as to cause annoyance to A (or any other person or persons) and thereby committed an offence punishable under Section 510, I.P.C. and within my cognizance.

And I hereby direct that you be tried on the said charge."

CHAPTER XXIII
OF ATTEMPTS TO COMMIT OFFENCES

511. Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment:

Whoever attempts to commit an offence punishable by this Code with [imprisonment for life] or imprisonment or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished [with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one- half of the longest term of imprisonment provided for that offence], or with such fine as is provided for the offence, or with both.

Illustrations

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box,
that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this Section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z’s pocket. A fails in the attempt in consequence of Z’s having nothing in his pocket. A is guilty under this Section.

*Form of Charge:*

Model Form of charge under Section 511

"I, (name and office of Magistrate, etc.) hereby charge you (name of accused person) as follows:

That you, on or about the ________day of _____at____attempting to commit the offence, to wit _______(specify the offence attempted), and in such attempt, did a certain act, to wit ______(specify the act done), towards the commission of the said offence, and that you thereby committed an offence, punishable under _______(specify the section punishing the offence attempted) read with S. 511 of the Indian Penal Code, and within the cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge."

[This section, i.e., S. 511 has to be mentioned in the charge along with the principal offence attempted.]