



EAGLE INSTITUTE OF LAW

A and B steal some fruits in large quantity from an orchard. When both of them were stealing the fruits C suddenly appears there. On seeing C, A and B knock him down senseless with a stick. What offence has been committed by A and B? Give reasons and also refer to relevant provision and case law, if any, on the point.

Ans.: A and B have committed the offence of 'robbery' defined under section 390, I.P.C./309 ,BNS - Hushrut Sheikh's case, (1866) 5 WR (Cr) 85.

Reasons: According to section 390 which gives the definition of the offence of 'robbery' in all robberies either there is 'theft' or 'extortion'.

Section 390, I.P.C., (309 - BNS) on which the present case is based, states that 'theft' is 'robbery' if the offender in committing theft (during the course of committing theft) voluntarily causes hurt to any person.

In the given case, A and B steal some fruits in large quantity (commit theft). (They cannot get the benefit of section 95, I.P.C. /34 BNS as the quantity of fruits is large). Also during the course of committing theft they voluntarily cause hurt to C. Thus, they have committed the offence of 'robbery' in view of section 390, I.P.C.(309 – BNS).

The facts of the given case are based on Hushrut Sheikh's case, referred above. In this case also two accused persons were stealing mangoes from a tree. A person came there suddenly and surprised them, on which, one of the accused persons knocked him down senseless with a stick. It was held that offence of 'robbery' has been committed.

Thus, it is amply clear that in the given case, A and B have committed the offence of 'robbery'.