



## EAGLE INSTITUTE OF LAW

### BNS – THEFT DIFFERENCES

Theft (Sec 303)	Extortion (Sec 308)
1 It is committed without the consent of the person.	1 It is committed by wrongfully obtaining the consent of the person.
2 Subject matter of theft is <b>movable property</b> .	2 Extortion can be committed with respect to <b>both</b> movable (valuable security also) and immovable property.
3 There is <b>no element of force</b> or fear in theft. No use of threat.	3 There is element of force or fear as the property is obtained by putting person in fear of injury to that person or any other person.
4 There is <b>no delivery of property</b> by the victim. Property is taken away without the consent of the victim	4 Victim delivers property or valuables under fear of injury.
5 Fear is not an essential element.	5 Fear is a crucial element.

Theft (Sec 303)	Cheating (Sec 318)
<p>1 When a movable property of a person is taken away <b>without owners consent</b> is known as theft.</p>	<p>1 It primarily involves <b>fraudulent inducement</b> or performing an act based on false representations or concealment of facts. Consent of victim obtained by fraud.</p>
<p>2 It can be done only with respect to <b>movable property</b>.</p>	<p>2 It can be done with respect to movable or immovable property.</p>
<p>3 There is no deception.</p>	<p>3 Deception is an essential requirement.</p>

Theft (303)	Criminal Breach of Trust (316)
<p>1 There is wrongful taking of the movable property <b>without the consent</b> of other person.</p>	<p>1 The property is <b>lawfully acquired</b> with the consent of the owner, but dishonestly appropriated by the person to whom it is entrusted.</p>
<p>2 It is always done with respect to <b>movable property</b>.</p>	<p>2 It is done with respect to both movable as well as immovable property.</p>

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### Theft (303)

### Robbery (309)

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1 Any person with a **dishonest intention to take any movable property** out of the possession of a person without the person's consent is said to commit theft.

**Note** : Here no fear /instant death/ voluntarily causes to death/hurt.

2 Theft is essentially a crime **against property**.

3 There is no victim as such, it is only the owner of the stolen property who suffers a wrongful loss of that property.

4 In theft, there is **no use of force**.

5 It does **not** include an element of **violence**.

1 **Theft becomes robbery** if, during the theft or while escaping with stolen property, the **thief** intentionally causes or tries to cause death, injury, wrongful restraint, or fear of immediate death, injury, or wrongful restraint to any person.

2 Robbery is a crime against the **property as well as person**.

3 There is always the presence of victim.

4 Robbery is an aggravated or enhanced form of theft. It is the **use of force** that converts an offence of theft into that of robbery.

5 It **includes** an element of violence.

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Theft (303)	Criminal misappropriation of property (314)
<p>1 The aim of the accused is to take the property from another's possession. Offence is complete as soon as the accused moves the property dishonestly.</p>	<p>1 In some cases, the offender is already in possession of property and possession per se is not punishable.</p>
<p>2 There is dishonest intention from the very inception i.e. before moving the property out of possession and mere movement of property dishonestly amounts to theft.</p>	<p>2 Dishonest intention develops at a later stage when the property comes in possession innocently. The possession of property may come innocently and taken by subsequent change of intention.</p>
<p>3 A mere moving of property with dishonest intention is theft.</p>	<p>3 A mere moving of property may not be an offence. Such moving may be lawful. It is the subsequent intention to convert to own use that constitutes criminal misappropriation.</p>

Theft (303)	Mischief (324)
<p>1 Generally, <b>(But, not in every case)</b> it is necessary that there should be dishonest intention to cause <b>wrongful gain</b> to oneself <b>and wrongful loss</b> to another.</p>	<p>1 The intention is only to cause wrongful loss to the victim <b>without any gain</b> to the accused.</p>
<p>2 The offence under Section 303 of</p>	<p>2 The offence under Section</p>

the BNS is cognizable, non-bailable, compoundable. However, if stolen property value is less than 5000 rupees and convicted for first time shall be punished with Community service. : Non-cognizable, bailable.		324(2),(3),(4) of the BNS is non-cognizable, bailable, compoundable.	
3	Taking out of property.	3	Destruction/Change the property.

Theft (303)		Snatching (304)	
1	Theft can be of tangible movable property as well as <b>int</b> angible. Ex: Data theft	1	Snatching can be only tangible movable property.
2	Theft is a much wider term than snatching. Every theft does not amount snatching	2	A theft amounts to snatching if the offender suddenly or quickly or forcibly seizes any movable property
3	If stolen property value is less than 5000 rupees and convicted <b>for first time</b> , shall be punished with Community service.	3	<b>No leniency (merciful)</b> in cases of snatching even if first-time offender and value of stolen property is petty amount.