

# Extortion

## DEFINITION

Section 383 of IPC defines “extortion” as given below- 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-** 1. 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.

2. A threatens to send clubman 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.

The following are the **essential ingredients** of the offence of extortion:

1. Intentionally putting a person in the fear of injury,
2. The purpose of which is to dishonestly induce the person put in fear
3. To deliver property or valuable security.

**Section 384** provides for the 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”.

**Section 385** provides that Whoever puts a person in fear of injury or attempts to put a person in the fear of any injury in order to commit extortion shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

## AGGRAVATED FORMS OF EXTORTION:

**Section 386** provides that whoever commits extortion by putting any person in fear of death or grievous hurt to that person in the fear of any injury shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

**Section 387** provides that whoever puts a person in fear of death or grievous hurt to that person in order to commit extortion shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

**Section 388** provides that 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.

**Section 389** provides that 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.

## CASE LAWS

1. **Ramjee Singh v. state of Bihar [(1987) CrLJ 137 (Pat)]**, the court laid down the ingredient of the offence as : In order to constitute an offence of extortion, there might be some visible overt act which may reflect the natural and normal inference that the wrongdoer had, in fact, put a person in fear of death or of grievous hurt. In absence of any apparent overt act leading towards the act of extortion and thus putting any person in fear of death, or of grievous hurt, there could not be said to be an offence committed for extortion by threat. Without any visible sign of physical act, simple use of words is not enough to constitute that offence.
2. **Gurusharan Singh v. state of Punjab [(1996) 10 SCC 190]**, the supreme court held the accused guilty of extortion for demanding money for purchase of weapons for the terrorists and threatening them due consequence if the money was not paid.
3. **Ramji v. state of Bihar [1987 CrLJ 137 (Patna)]**, in the presence of others, a demand of money was made by the accused by uttering some threats that could not be said to be an act of extortion as contemplated by Section 387, in absence of any physical act on the part of the accused.
4. **Ram Chandra v. state [1957 SC 381]**, the accused wrote letters demanding ransom from the father of the boy whom they kidnapped, putting the father in fear of the boy being murdered and there was throughout the likelihood of the boy being murdered if the ransom money was not paid, the accused were held guilty under section 386.
5. **Chaturbhuj v. r [(1922) 45 All 137]**, a cloth seller was threatened for fine if he continued selling foreign cloth. He continued to sell such cloth and to enforce such payment of fine a picketing of a shop was arranged for two hours. In consequence he lost certain business and had to pay fine. It was held that those who picketed were guilty under section 385 as well as section 384.
6. **State v. basavegowada [1997 CrLJ 4386 (Kant)]**, the accused husband took his wife to a forest and obtained her ornaments under threat to kill her. The ornaments were subsequently recovered from him. He was held guilty of the offence of extortion, not robbery.
7. **Chander kala v. ram kishan [AIR 1985 SCC 1268]**, the headmaster of a school called a lady teacher to a place where he was alone and induced her to sign three blank papers by threatening and attack on her modesty, the SC held that it amounted to an offence under section 384.
8. **R.S. Nayak v. A.R. Antulay and another [1986 CrLJ 1922 (SC)]**, Chief minister A.R. Antulay asked the sugar cooperatives, whose cases were pending before the government for consideration, to make donations and promised to look into their cases. It was held by the SC that these facts do not constitute the offence of extortion as there was no evidence at all that the managements of the sugar cooperatives had been put in any fear and the contributions had been paid in response to threats.

