

"whoever, any
property from
forfeiture or any
charge



**ASSIGN
BUSTER**

“ 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.” The points to be proved under Section 217 are: (i) Certain persons had recently committed, or were about to commit robbery or dacoity; (ii) The accused knew or had reason to believe it; (iii) He harboured all or any of such persons; (iv) He did so with the intention of - (a) Facilitating the commission of such robbery or dacoity; or (b) Screening them or any of them from punishment. Section 217 makes certain dereliction of duty by public servants, which is done with intent to save or screen persons from punishment or enable the offender to get a lesser punishment than that to which he is liable or helps save any property from forfeiture or charge, an offence punishable with imprisonment of either description for a term which may extend to two years or with fine or with both. To prosecute a public servant under Section 217, sanction under Section 197 CrPC, is required. An offence under Section 217 is non-cognizable, and summons should ordinarily issue. It is bailable but not compoundable, and is triable by any Magistrate of first or second class.