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It has been held by the Supreme Court that the Court should not get swayed by the manner of perpetration of crime while dealing with a crime of robbery with murder.

In *Ezhil v. State of Tamil Nadu*, the facts of the case were that the accused were charged for offences against Section 364, 392 and 302 read with Sections 34 and 120 B of the Indian Penal Code. The Supreme Court held that keeping in view the proximity of time within which act of murder was supposed to be committed and body found and the articles recovered from possession of accused presumption can be drawn not only of the fact that they were in the possession of the stolen articles after committing robbery but also committed the murder of the deceased. Therefore, conviction of the accused persons under Section 302 and 392 read with Section 34 was proper. Section 393 of the Indian Penal Code, 1860 – Punishment for 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 be liable to fine. Section 390 of the Indian Penal Code, 1860 – “Robbery” In all robbery there is either theft or extortion. Theft is “ robbery” if, in order to 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.

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, or of instant hurt, or

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, or instant hurt, or instant wrongful restraint. Nature of Evidence: For a successful prosecution there must be evidence fulfilling this ingredient of the offence. Mere recovery of ornaments of the deceased from the possession of the accused not supported with any evidence establishing any ingredient of the offence, would not justify conviction under this section.

Similarly, the question of bona fide claim of right of accused arise only where the accused show to the court's satisfaction that their belief is reasonable and is based on some document of title, however weak it may be.