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Section 394 provides severe punishment when hurt is inflicted while committing robbery or attempt to commit robbery while under Section 390, the offender need not actually cause hurt to constitute the offence of robbery to be punished under Section 392. Section 394 is a special provision. The punishment provided for under Section 394 is more severe than that provided under the first part of Section 392. As per Section 394, if the offender voluntarily causes hurt while committing robbery or while attempting robbery, he shall be punished with imprisonment for life or with rigorous imprisonment for a term which may extend to 10 years and shall also be liable to fine. In *Limbaji v. State of Maharashtra* [AIR 2002 SC 491], injuries were caused to the deceased in the process of removing earrings.

The Court observed that the booty was distributed among three accused and they had secreted the robbed articles. These things revealed the common intention to commit robbery. One of them picked up a stone piece and caused death of the victim. There was nothing to show that the accused even knew of any such possibility.

Others could not be convicted of murder and robbery with the help of presumption under Section 114 Evidence Act. They were liable to be convicted only under Section 394, IPC. In *Sati Prasad v. State of Uttar Pradesh* [AIR 1973 SC 448], while searching the drowned bodies in river, a wrist watch, a gold ring and some money had been recovered from the body by certain boatman. However, the accused, who was the head-constable, had taken away the wrist watch, gold ring and the money from the boatman after beating and threatening him.

The accused had further directed the boatman not to disclose this fact to anybody and to throw the dead body into the river. An advocate, who accompanied the search party, told the concerned police constables that he would take up the matter with higher authorities for action. At that stage, the accused went to his house, brought the wrist watch and the gold ring and confessed what had happened before the party and said that he had spent the cash. The accused was convicted inter alia, under Section 394, IPC since the articles were taken from the boatman after voluntarily causing hurt to him. The offence under Section 394 is cognizable and warrant should, ordinarily, issue in the first instance.

It is both non-bailable and non-compoundable and is triable by a Magistrate of the first class.