

In or aiding, is said to
commit



**ASSIGN
BUSTER**

In a case having regard to the peculiar circumstances of ascertaining of bona fide claim of right by the accused persons Supreme Court awarded only three years' rigorous imprisonment. In another case considering the young age of the accused persons and that they made no attempts to cause injury to any person at the time of commission of offence Supreme Court reduced the sentence to imprisonment of one and half years already undergone by the accused. In a recent case of *Suryamurti v. Gobinda Swami*, the Supreme Court observed that to constitute the offence of dacoity the person must have apprehended the danger to instant death, instant hurt or instant wrongful restraint. Section 391 of the Indian Penal Code, 1860 – Dacoity: When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit “ dacoity”. Where the accused and his companions who numbered five or more than five attempted to commit robbery at the house of A, but on a hue and cry being raised took to their heels without committing robbery, the offence of dacoity was completed the moment they took to their heels without any booty. There was attempt to commit robbery and the accused would be guilty of an offence of dacoity and would be punishable under this section.