

(2) as a consequence
of the fear so



(2) The fear caused to a person must be a fear of injury either to himself or to some other person in whom the person put in fear is interested. (3) The fear must be intentionally caused. (4) As a consequence of the fear so exercised the person put in fear is induced by the offender to deliver any property or any valuable security or anything signed or sealed to any person which is capable of being converted into a valuable security. (5) The offender must act dishonestly in doing so, i. e., he must act with the intention to cause wrongful gain or wrongful loss.

The offence of extortion differs from the offence of theft in that while in theft property is removed or taken away without the consent of the person in possession thereof, in extortion there is a delivery of property with consent induced by fear and therefore more akin to robbery than to theft. Delivery of property as distinct from taking away property is of the essence of the matter in extortion. Where there is no delivery of property but the person put in fear offers no resistance to the carrying away of property, the offence is not extortion but robbery (by theft). Then again immovable objects may become the subject-matter of extortion inasmuch as the offence of extortion also consists in inducing a person put in fear to deliver any valuable security or anything signed or sealed which is capable of being converted into valuable security. In theft only movable property may be the subject-matter of the offence while in extortion the property is not limited only to movable one. In theft the property is taken by the offender while in extortion the property is delivered to the offender. Sri Hari Singh Gour in his book, "The Penal Law of India" has explained and distinguished the offence of extortion in the following words: "The intimidation by which the extortionist

dishonestly victimises another is the principal distinguished feature of the offence which is otherwise allied to cheating and theft and other offences of which the object is dishonest deprivation of property”.

Delivery of property is an ingredient of the offence of cheating but in cheating also such delivery is induced by misrepresentation or concealment of facts while in extortion it is induced by intimidation. The offence of extortion is more like cheating than like theft inasmuch as cheating is also capable of being committed in respect of immovable objects.