



**RAMA
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**FACULTY OF JURIDICAL
SCIENCES**

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SUBJECT NAME- LAW OF CRIMES

COURSE NAME- LLB, Ist Sem

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LECTURE-44

[IV] Chapter XX – Of Offences Relating to Marriage

Section 493:- Cohabitation caused by a man deceitfully inducing a belief of lawful marriage

Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section 494:- Marrying again during lifetime of husband or wife

Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exceptions

1. This section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

Section 495:- Same offence with concealment of former marriage from person with whom subsequent marriage is contracted

Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section 496:- Marriage ceremony fraudulently gone through without lawful marriage

Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 497:- Adultery- Declared unconstitutional.

Section 498:- Enticing or taking away or detaining with criminal intent a married woman

Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

[V] Criminal Intimidation, Insult and Annoyance

There are certain offences which do not affect anybody physically but they are still punishable. For example, criminal intimidation, insult, and annoyance under Chapter 22 of IPC are such offences. Although these offences seem straight-forward, there are several ways in which one can commit them. The punishment for these offences may include imprisonment for up to 7 years depending on its nature.

Criminal Intimidation

Section 503 of the Indian Penal Code, 1860 defines what criminal intimidation really means. The main requirement of this offence is that the offender must threaten the victim. The intention to cause certain harm must also exist along with this threat.

The intention must be to harm either the victim himself of any other person in whom he is interested. This intention must exist in the mind of the offender even if he cannot execute it. If such an intention does not exist, the offence does not get complete.

Ingredients of Intimidation

In order to complete an offence under Section 503, the following ingredients must exist:

1. Threatening a person with an injury to his person, reputation or property (or to that of any other person he has interest in); and
2. The threat must be with the intention to:
 - (a) cause alarm to that person; or
 - (b) cause that person to do something he is not legally bound to do for avoiding the harm that may arise if he does not do it; or
 - (c) cause that person to do omit something he is legally bound to do for avoiding the harm that may arise if he did it.

Both these ingredients must necessarily exist together for the offence to be complete. The absence of any one of them may negate the charge against the accused.

For example, if an offender merely threatens any person but has no intention to harm him, it is not intimidation. Similarly, if he directly harms a person without threatening him, other offences may apply but Section 503 will not.

Analysis of Intimidation

As we can see from above, the main ingredients of Section 503 are threatening and the intention to cause some harm. This threat must reach the mind of the victim in some way. In other words, the communication of the threat must happen.

The communication of the threat may happen either with an oral utterance, in written form or even by gestures. Therefore, even showing provocative gestures (like showing the slicing of the victim's throat) can be intimidation.

Furthermore, the threat is inadequate if there is no intention to cause harm. This requirement may even be complete if the threat alarms the complainant. Therefore, a threat to cause actual physical harm is not necessary.

For example, a man may take obscene pictures of a girl and then threaten her to give him money or else he will post them online. This is not a threat of physical harm but it is still intimidation as it affects the victim's reputation.

Punishment for Criminal Intimidation

If any person is guilty of an offence under Section 503, the court can punish him with imprisonment up to 2 years. The court can even levy a fine for it.

The offender can receive greater punishment if he threatens the victim with severe consequences. For example, if he threatens to cause grievous harm, death or destruction of property, imprisonment extends to 7 years. If he threatens to impute the chastity of a woman, the imprisonment of up to 7 years can also include a fine.

Intentional Insult provoking breach of Peace

Another form of intimidation exists under Section 504. Unlike Section 503, here the intention need not be for causing harm and a threat need is not necessary.

Section 504 applies when a person intentionally insults (maybe by using abusive language) and provokes him. The offender must know that his provocation may cause the victim to disturb the public peace or cause him to commit some offence.

For example, abusing and provoking a driver to cause road rage in anger is an offence under Section 504. This is punishable with imprisonment up to 2 years either with or without fine.

MCQs-

i. Belonging to gang of persons associated for the purpose of habitually committing dacoity is dealt under-

- A. Section 398 of IPC
- B. Section 399 of IPC
- C. Section 400 of IPC
- D. Section 401 of IPC

ii. Buying or obtaining possession of a minor for the same purposes is dealt under-

- A. Section 371 of IPC
- B. Section 372 of IPC
- C. Section 373 of IPC
- D. Section 374 of IPC

iii. Habitual dealing in salves is dealt under-

- A. Section 371 of IPC
- B. Section 372 of IPC
- C. Section 373 of IPC
- D. Section 374 of IPC

iv. Which of the following is false of Section 34 and Section 149 of the IPC?

- A. S. 34 does not by itself create any specific offence whereas S. 149 does so
- B. Some active participation in crime is required in S. 34 while it is not needed in S. 149
- C. S. 34 speaks of common intention while S. 149 contemplates common object
- D. S. 34 requires at least five persons who must share the common intention while S. 149 requires at least two persons to share the common intention

v. The basic principle which runs through Section 32 to 38 of IPC is that:

- A. in certain circumstances some part of the act is attributed to a person who may have performed only a fractional part of it.
- B. in certain circumstances an entire act is attributed to a person who may have performed only a fractional part of it.
- C. in certain circumstances an entire act is attributed to a person who may have performed the whole of it.
- D. in certain circumstances no act is attributed to a person who may have performed only a fractional part of it.