

Law of Crimes-LL.B.

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Offence of theft Section- 378 IPC

Theft has been defined U/S 378 IPC and punishment for it has been prescribed U/S 379 IPC.

It is important to note at the first stage as to what are the ingredients which constitute the offence.

1. A person must have a dishonest intention to take property.
2. Such property must be movable property. Meaning thereby immovable property cannot be subject matter of theft.
3. Such movable property should be taken out of the possession of any other person.
4. It is taken from the possession of another person without his consent.
5. Such property has been moved in order to take it away.

If all the above mentioned ingredients are present then offence of theft is made out.

The offence of theft need to be understood in the light of five explanations appended below Section 378.

For example

1. Anything so long attached to earth cannot be subject matter of theft.
2. A moving effect of such property would be essential.
3. If a person removes any obstacle in order to move the property, offence of theft is made out.
4. If a person causes to move any animal then he is considered to move everything including property the animal is carrying.
5. The consent as mentioned in the definition may be either express or implied.

For the purpose of better understanding and application of the ingredients of theft the illustrations below the section are very significant.

Students are advised to refer to these illustrations essentially from the bare Act.

Thank you for today. Stay safe