



IPC S. 364A - Condition, i.e., “and threatens to cause death or hurt to such person” also needs to be proved

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Indian Penal Code, 1860, Section 364A - Section 364A uses the word “or” nine times and the whole section contains only one conjunction “and”, which joins the first and second condition - Thus, for covering an offence under Section 364A, apart from fulfillment of first condition, the second condition, i.e., “and threatens to cause death or hurt to such person” also needs to be proved in case the case is not covered by subsequent clauses joined by “or” - Applying the principle of interpretation on condition Nos. 1 & 2 of Section 364A which is added with conjunction “and”, we are of the view that condition No.2 has also to be fulfilled before ingredients of Section 364A are found to be established. Section 364A also indicates that in case the condition “and threatens to cause death or hurt to such person” is not proved, there are other classes which begins with word “or”, those conditions, if proved, the offence **will be established. The second condition, thus, as noted above is divided in two parts- (a) and threatens to cause death or hurt to such person or (b) by his **conduct** gives rise to a reasonable apprehension that such person may be put to death or hurt.**

[2021 SCeJ 934](#)

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