

Distinction between Kidnapping and Abduction

Kidnapping

1. Kidnapping from guardianship is committed only in respect of a minor (of the age specified in s 361) or a person of unsound mind.
2. Person kidnapped is removed out of lawful guardianship.
3. Taken away or enticed to go away with the kidnapper. The means used are irrelevant.
4. Consent of the person kidnapped is immaterial.
5. Not a continuing offence. It is complete as soon as the minor or person of unsound mind is removed from lawful guardianship.
6. Kidnapping is a substantive offence.

Abduction

Abduction may be in respect of a person of any age.

No such thing necessary. It has reference exclusively to the person abducted.

Force, compulsion and deceitful means are used.

Consent of the person condones the offence.

It is a continuing offence. It continues so long as the abducted person is removed from one place to another.

Abduction is not a substantive offence. Only if the abduction falls in the categories provided under ss 364, 365, 366, 367 and 369, will it amount to an offence.

Under Abduction

M Carnoy



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