

PRANK: IN THE EYES OF THE LAW

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ABSTRACT

Pranks are fun and harmless, it is in trend too. But sometimes they can go wrong. With the slightest possibility when someone doesn't take full care before playing it with someone, in these cases, people suffer from tremendous injuries and emotional distress. So to protect the people from these accidents court provides damages from the pranksters to the victim. Certain liabilities are also been laid upon the pranksters so they can limit themselves before overdoing it. It is a very complicated process to figure out the nature of a prank is it deadly, or able to cause severe injuries? Every country has its own legal system, in a few countries, tort is applicable and gets a proper consideration. The tort of negligence, civil liability, and criminal liability can be imposed upon the pranksters according to the circumstances. There can be few defenses under which pranksters get released from the lawsuits against them. Most people don't have any knowledge about how to get remedies if such a thing happens to them. In India, the Indian penal code, and for a prank that takes place on social media Information technology act looks after it.

Keywords: Prank, Civil Liability, Criminal Liability, Damages, Negligence, Legal Consequences.

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RESEARCH OBJECTIVE

1. To analyze what kind of liabilities are imposed upon the pranksters and whether doing a prank is illegal.
2. To analyze the types of remedies provided to the person with whom a prank has been done.
3. Are there any laws to punish pranksters in India?

INTRODUCTION

What if someone pranks you, and it causes you trauma or severe damage? Or you might think your prank is hilarious but in the eyes of the law, is it? Doing pranks is not just something

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nowadays we can take it casually. It can cause severe effects on the other person depending upon the extent of it.¹

We've seen people pulling pranks on April Fool's Day, and Halloween, and in this new era of social media Youtubers are doing it regularly to attract audiences on their channel for a few likes and subscribers. Pranks can range from covering someone's mouse sensor with a piece of tape to pretending to shoot someone to scare a passing pedestrian. Sometimes, however, even innocent could result wrongly, and sometimes result in injury or even death.²

The act of carrying out the prank may affect the person legally. As death is inevitable but the nature of the prank could lead a person toward it, and it may often be difficult to determine who will pay for the victim's damages when injuries are involved, and you cannot escape the reality by claiming it was a joke to get out of legal trouble.

There have been multiple types of liabilities given under the law but the question that arises is what type of liabilities can be laid upon the pranksters for causing trouble to strangers unintentionally? Such as:

Strict liability - under strict liability a person is legally responsible for the consequences flowing from an activity even in the absence of fault or criminal intent on the part of the defendant. This principle evolved in the case of *Rylands v. Fletcher*. The doctrine holds the defendant party responsible for its actions, without the plaintiff having to prove the negligence or fault on the part of the defendant. When the person is involved in any kind of activity, ultra-hazardous in nature, he/she may be liable if any other person is injured because of that activity, even if they've taken necessary precautions and followed safety.³

Absolute liability - we can define absolute liability as the rule of strict liability, only it doesn't have any exceptions provided in strict liability. According to the rule of absolute liability, if a person is engaged in any inherently dangerous or hazardous activity, and if any harm is caused to any person due to any accident that occurred during carrying out such inherently dangerous and hazardous activity the person who is carrying out such activities

¹Ugur Nedim, 'Practical jokes, and the law', NSW COURTS, 2014.

²'Pranks Gone Wrong: liabilities', <<https://www.hoganinjury.com/pranks-gone-wrong-liabilities/>>

³Dr.R.k. Bangia, *law of torts*, (twenty-fourth edition, 2017), strict liability, pg .no. 324

will be liable for it. The rule of absolute liability evolved from the case of *MC Mehta v. Union of India*.⁴

Vicarious liability- according to the rule of vicarious liability, liability is to be imposed on one person for the act done by the other person. Generally, a person who has done something wrong should alone be made liable for the injurious consequences arising out of it, but the principle of vicarious liability is an exception to it.⁵

Criminal liability - we can define criminal liability as when a person commits a crime with criminal intent, as opposed to acting accidentally or lacking the ability to act deliberately. It has two general principles:

1. Actus reus (guilty act)
2. Mens-Rea(guilty mind)

These two play a chief role in deciding criminal liability.

Negligence - it means failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances. The behavior usually consists of actions, but can also consist of omissions when there is some duty to act.⁶

TYPES OF PRANKS THAT SHOULD BE AVOIDED

Spiking drinks: Spiking drinks may be all good fun for some folks. However, even something as innocuous as food coloring might cause an allergic response and necessitate a trip to the emergency room for the unfortunate victim. Spiking someone's drink with an illicit substance, or even legal drugs, might land the prankster in hot water.

Prank calls: In the state of California, even prank calls could lead to criminal charges. These can be considered harassment.

Wet-Willys: This gross and annoying prank may be considered an assault especially because it involves bodily fluids. It could also be considered a type of bullying, especially in school.

⁴Dr.R.k. Bangia, *law of torts*, (twenty-fourth edition, 2017), strict liability, pg .no. 339

⁵Dr.R.k. Bangia, the *law of torts*, (twenty-fourth edition, 2017), strict liability, pg .no. 78

⁶'Negligence', <https://www.law.cornell.edu/wex/negligence#:~:text=Negligence%20is%20a%20failure%20to,vi ctims%20of%20one's%20previous%20conduct>).

Vandalism: Egging or TP-ing someone's property may be considered vandalism and could land you in hot water. Or, in the case of Adrian Broadway from Little Rock, Arkansas, the consequences could be fatal. In 2014, Adrian and her group of friends did a little retaliation prank on someone who pranked them by throwing toilet paper, eggs, and mayonnaise at a car parked at this person's house. Unfortunately, as they were leaving, a man came out of the house and opened fire on the group of kids, killing Adrian and injuring another teenager from her group.⁷

LEGAL LIABILITY

It is a liability imposed by the courts through common law or by the statute on any person or entity responsible for the financial injury or damage suffered by another person, group, or entity. If the person is found legally liable for an injury, does the homeowner's policy cover the loss? There is a difference between negligence and legal liability. A person can be negligent without being legally liable, but he cannot be legally liable unless he is first negligent except in strict liability. Legal liability is the much higher threshold.⁸

- **How a Person become legally liable**

There are three tests existed to satisfy the fact that it is legally liable or not:

1. The person is found guilty of negligent conduct. Negligent conduct arises out of –
 - a) A duty to act or not act
 - b) A breach of that duty
2. The injured party must suffer actual, quantifiable loss or damage.
3. The negligent conduct must be the actual cause of the injury or damage.

WHAT CREATES NEGLIGENT CONDUCT

Negligent conduct means failing to acknowledge the consequences and behave as a reasonably prudent person. The two main parts of negligent conduct:

Duty owed:

⁷Pranks Gone Wrong: Liabilities', <https://www.hoganinjury.com/pranks-gone-wrong-liabilities/>

⁸Christopher J. Boggs, *Halloween and legal liability for Ghosts, Ghouls, Goblins, and other "Guests"*, (October 30, 2015), <https://www.insurancejournal.com/blogs/academy-journal/2015/10/30/386904.htm>

Was the harm foreseeable? - If harm should be reasonably foreseen the potential, then a duty is owed.

What was the degree of certainty the harm would result?-if we go see the possibility of harm, it could be very high or very low. And the greater probability of harm, the greater the duty owed.

What was the proximity between the conduct and the resulting harm? –if the person has a heart attack right then or later in the evening. “Later” is detailed as proximity or proximate cause.

Is there a need to deter this type of conduct in the future? –the more detrimental an act or decision to the public/ society, the greater the duty owed or created.

Is there a burden placed on the community as a whole if liability is imposed on those who engage in this type of conduct?

How easy it is to avoid this kind of conduct? – The easier it is to avoid the conduct, the greater the duty. Conversely, if the action is necessary or cannot be avoided, the less likely a duty is owed.

Breach of the duty owed: Once the duty is established the injured party must prove that there is a breach of duty owed. Without breach of duty, there is no negligence. The degree of care owed to a particular party is based on the relationship between the wrongdoer and the injured party. Beyond a relationship basis, statutes sometimes prescribe a specific degree of care owed.⁹

CRIMINAL LIABILITY

It is referred to as the evidence required to convict a defendant of a crime. Prosecutors must establish the following to hold an individual criminally responsible:

- The criminal act was perpetrated by the defendant.
- At the time of the offense, the defendant had the necessary intent to conduct the crime.

⁹Christopher J. Boggs, *Halloween and legal liability for Ghosts, Ghouls, Goblins, and other “Guests”*, (October 30, 2015), <https://www.insurancejournal.com/blogs/academy-journal/2015/10/30/386904.htm>

The question is what is intent? So, It is the defendant's state of mind at the time of the commission of a crime. For example: if a man decides to prank his co-worker by taking her cell phone and temporarily hiding it in a potted plant in the office.

We cannot claim that the person is guilty of theft because it requires the intent to permanently deprive the victim of their property. Since the man had no intention of doing it, he lacked the requisite intent to commit theft in that instance.¹⁰

There were times when committing a crime does not require intent. These crimes are referred to as general intent crimes. For instance, battery is the unlawful touching of another person without their consent. This means that the battery does not require the intent or desire to touch someone. It only requires the person to touch the victim without them agreeing to be touched. Thus, a person pranking someone could be charged with battery even though they never intended to touch the victim.

CAN THE PERSON BE CRIMINALLY LIABLE FOR A PRANK?

Yes, a person can be criminally liable for a prank. Pranks that cause harm or damage to property can result in criminal charges, such as

- Assault
- Destruction of property
- Reckless endangerment
- Disorderly conduct
- False imprisonment
- Harassment
- Theft &
- Vandalism

Even if a prank does not result in criminal charges, the prankster may still be liable for civil damages if the prank involves negligent conduct that causes damages to a third party. It is important to note that each issue is unique, and the legal consequences of a prank depend on the specific circumstances of the situation.

¹⁰*Criminal liability for pranks*, <https://www.legalmatch.com/law-library/article/criminal-liability-for-pranks.html>

DIFFERENCE BETWEEN CRIMINAL AND CIVIL LIABILITY FOR PRANKS

Civil and Criminal liability is a legal concept that can apply to pranks.

Civil Liability-

1. It is an individual's legal obligation to pay damages in a lawsuit or other court-ordered enforcement.¹¹
2. It seeks to right the wrongful act committed by one person against another.
3. Pranks that cause harm or damage to property can result in civil liability for damages.¹²
4. It can arise even if criminal charges are not filed.

Criminal Liability-

1. It is the proof needed to find a defendant guilty of a crime.
2. Criminal liability involves the government taking action to punish an individual who violated the law.
3. Most of the pranks which cause harm or damage to property can result in criminal charges, such as assault, destruction of property, reckless endangerment, disorderly conduct, false imprisonment, harassment, theft, and vandalism.
4. Criminal liability requires proof beyond a reasonable doubt.¹³

Negligence:

Degrees of care are presented in the form of negligence "level" required to establish breach.

There are four degrees of care-

- Slight negligence
- Ordinary negligence
- Gross negligence
- Negligence per se

¹¹The difference between civil and criminal liability, (September 9, 2022),

<https://www.toddwburrislaw.com/the-difference-between-civil-and-criminal-liability/>

¹²When pranks cause serious injuries, <https://gesinjuryattorneys.com/pranks-cause-serious-injuries/>

¹³Pranks: The legal consequences, (May 6, 2022)<https://www.thecable.ng/pranks-the-legal-consequences/amp>

Negligence done by pranksters

1. Pranks that lead to serious injuries can result in lawsuits on the grounds of gross negligence.¹⁴ Victims of pranks that cross the line and lead to financial or physical harm have legal avenues they can pursue.¹⁵
2. Pranks that involve trespassing, and traffic violations can result in criminal charges. Pranksters should be aware of the potential legal consequences of their actions and ensure that their pranks do not cause harm or damage to property.¹⁶
3. Pranksters who take undue advantage of their victims can be sued for compensation for loss or injury suffered as a result of the prank. victims of harmful pranks can sue pranksters for assault and battery or tort of negligence.
4. Pranksters who breach the victim's right to privacy by recording or posting the prank online without the victim's permission can be held liable for invasion of privacy.
5. Pranksters who cause harm or damage to property can be held liable for civil damages, which means that the victim can sue the prankster to recoup any damages they suffered.

TYPES OF NEGLIGENCE

Examples where pranksters were found liable for gross negligence

Based on the search, here are some examples of cases where the pranksters were found liable for gross negligence:

- In a case where a prankster caused serious injuries to a victim, the victim can sue the prankster for gross negligence. Gross negligence is when an individual act with extreme indifference and reckless disregard for the safety of others when playing a prank.
- In a case where a social media star caused permanent hearing loss to a passerby, the star was held legally liable for all injuries and damages that resulted.
- In a case where a victim was injured or ill and couldn't receive emergency care because responders were unavailable due to a false alarm or April Fools'-inspired

¹⁴When pranks cause serious injuries, <https://gesinjuryattorneys.com/pranks-cause-serious-injuries/>

¹⁵Jared, *when harmless pranks go wrong*, (December 26, 2019), <https://www.washingtonguardian.com/america/when-harmless-pranks-go-wrong/>

¹⁶Stanley Alieke, *pranks: the legal consequences in Nigeria*, (May 6, 2022), <https://www.tekedia.com/pranks-the-legal-consequences-in-nigeria/>

hoax, the person who created the hoax can be held liable for the injuries of the person who legitimately required emergency assistance.¹⁷

- In a case where a victim was injured due to a prank, the victim can sue the prankster for assault and battery or tort of negligence.¹⁸

If we say that all types of pranks come under negligence because the pranksters ignore the consequences and possibilities of their actions. But not all pranks come under negligence. However, pranks that cause harm or damage to property can result in civil liability for damages, on top of criminal liability. Pranks that involve gross negligence can result in lawsuits if the judge finds that an individual acted with extreme indifference and reckless disregard for the safety of others when playing a prank. Along with medical bills, lost wages, and pain and suffering, cases of gross negligence may also result in punitive damages being awarded to the victim to punish the prankster and attempt to deter others from behaving in the same or similar way. Oftentimes, pranks happen in or around cars, and when those situations occur, they can easily lead to someone being hit by the car, causing injury or death.¹⁹

APRIL FOOL'S PRANK

April fool's is the perfect opportunity for a harmless prank on others but anything can happen, it may lead to criminal consequences. For example, if someone pretends to rob a bank or conduct a fake bomb threat, they can face some serious consequences. In Florida making a false threatening report can lead to five years in prison and a \$5000 fine.

Any prank that results in injury, property damage, or a disturbance of the peace can be considered a criminal act. Another prank that could result in jail time is pretending to be a police officer, Impersonating a law enforcement officer is illegal and can lead to significant fines and time in jail.²⁰

And April fool's is the favorite holiday for Americans for playing jokes on each other. And famous examples of April fool's prank are:

¹⁷April Fools' Day Stunts Gone Wrong Can Lead to Legal Consequences, <https://www.enjuris.com/blog/news/april-fools-lawsuits/>

¹⁸Gordon Jeremiah Berry, *laws regarding pranks and pranksters*, (January 15, 2017) <https://www.ernestdempsey.com/laws-regarding-pranks-and-pranksters/>

¹⁹Jared, *when harmless pranks go wrong*, (December 26, 2019) <https://www.washingtonguardian.com/america/when-harmless-pranks-go-wrong/>

²⁰Can you go to jail for an April Fool's Day prank? (April 11, 2023) <https://www.wisemantriallaw.com/blog/2023/april/can-you-go-to-jail-for-an-april-fools-day-prank-/>

1. YouTuber Sam Pepper “pranked” an individual by appearing to kill their best friend using a gun with a blank and some fake blood.
2. Another YouTuber, Daddyoffive, lost custody of his children when he released a “prank” video yelling at his children.
3. Children on TikTok ask a friend to stand between them and jump, after which they sweep their legs out from under them in mid-air, causing them to fall. This viral pranking “trend” has already resulted in at least one death.²¹
4. Putting toilet paper on someone else’s property
5. Impersonating police
6. Tainting food
7. Kansas women face jail time following April Fool’s Day prank- Arnthia Willis hung up the phone after telling a family member she had been shot in her home in 2021. The call and information were a prank, but the call recipient immediately called the police after being hung up on; the police and paramedics were dispatched to her home, and upon their arrival, the police cordoned off Willis' streets, surrounded the home, and attempted to contact someone inside Willis' home. When no one responded, they stormed inside. Willis was later discovered to be unhurt at work. Later, she was detained and charged with making an unauthorized request for emergency services help.²²
8. Faked suicide prank leads to criminal charges- To get back at his ex-wife, Randy Wood hung himself by his neck in his front yard after asking his ex-wife to meet at his home. In a panic, she called 911, and authorities discovered he was alive because of a harness supporting his weight. He was then charged with faking an incident that required emergency services.²³
9. Texas teen faces felony charges for pot-muffins prank.
10. Ohio retail employee lies about an armed robbery.

²¹When is it not “just a prank?” -criminal charges for harmful April Fool’s jokes, (April 01, 2021) <https://www.legaldefense.com/blog/2021/april/when-is-it-not-just-a-prank-criminal-charges-for/>

²²Can you go to jail for an April Fool’s Day prank? (April 11, 2023) <https://www.wisemantrillaw.com/blog/2023/april/can-you-go-to-jail-for-an-april-fools-day-prank-/>

²³Can you go to jail for an April Fool’s Day prank? (April 11, 2023) <https://www.wisemantrillaw.com/blog/2023/april/can-you-go-to-jail-for-an-april-fools-day-prank-/>

FRAUD AND BREACH OF CONTRACT

Even if a prank does not inflict physical harm, it may nevertheless result in a lawsuit for fraud or violation of the contract. In 2002, for example, a waitress purportedly won a "Toyota" in a business sales contest. Instead of a car, she received a "toy Yoda" doll from the corporation, which felt the hoax was amusing and creative. She won a lawsuit for breach of contract and deceptive misrepresentation. As part of the judgment, she was permitted to choose whatever Toyota automobile she desired.²⁴

HARASSMENT

Victims can sue for harassment if they feel afraid, threatened, or at risk of bodily harm as a result of a prank. In addition to physical injuries, emotional injuries might be paid for in a lawsuit. For example, if a person received a phone call every day with threats, heavy breathing, or distressing messages, the victim could sue for emotional or mental trauma. In most situations, a victim would have to demonstrate that the prankster's activities were outrageous and extreme, that the contact caused the victim some type of distress, and that the ensuing mental health issue was significant.²⁵

HALLOWEEN PRANKS

when trick-or-treaters are invited as guests in the house when the porch light is turned on, the owner of the house invites them onto the property (though not for the mutual benefit). Because of this connection, the homeowner owes the threat seekers the standard of "reasonable" care stated in Ordinary Negligence. Even if the owner of the property has no intention of frightening the children, he or she must tell them about the loose brick or damaged pavement, rectify the hazard, or safeguard the invitees from irreparable hazards.

The same amount of attention is not required if the light from the porch is turned off. The homeowner did not invite the children to his property to collect candy. The homeowner must be significantly negligent to violate a responsibility to what are now trespassers.

²⁴Jared, *when harmless pranks go wrong*, (December 26, 2019)
<https://www.washingtonguardian.com/america/when-harmless-pranks-go-wrong/>

²⁵Jared, *when harmless pranks go wrong*, (December 26, 2019)
<https://www.washingtonguardian.com/america/when-harmless-pranks-go-wrong/>

Duty and Breach confirmed - If the homeowner intends to prank the kinds but unfortunately fails to protect them from hazards, have breached the duty owed. It's the first step towards being found legally liable.

Damages - If negligence is proven then the injured person will get damages monetary damages are divided into two broad categories-

1. Compensatory damages
2. Punitive damages

Determining causation of and ultimate liability for a tort - Once negligence and actual damages are proved, the last step is the establishment of insurable legal liabilities.

1. Cause in fact
2. Proximate or legal cause
3. Intervening acts and superseding events

Legal liability and homeowner's policy²⁶ - Section 2 of the Insurance Services office extends coverage for:

1. personal liability (coverage E)
2. medical payments to others (coverage F)

Cases²⁷

Police assume the man was run over by his Lawn mower - the merry pranksters placed the dummy underneath the lawn mower on their front lawn so that only the arms and legs were visible from underneath the machine. Then they covered the arms in red paint. The neighbors who saw it in daylight had no idea that it was a hoax and promptly dialed 9-1-1. The police arrived, terrified launched into action not realizing that the person was a dummy until one of the cops attempted CPR.

A man keeps an "armed robber" costume on while going to Starbucks - the man from Lansing, Michigan, who went to a neighbor's party dressed as an armed robber, complete

²⁶Christopher J. Boggs, *Halloween and legal liability for Ghosts, Ghouls, Goblins, and other "Guests"*, (October 30, 2015), <https://www.insurancejournal.com/blogs/academy-journal/2015/10/30/386904.htm>

²⁷Jack Sackman, *10 Halloween pranks that went horribly and tragically wrong*, <https://people.howstuffworks.com/culture-traditions/cultural-traditions/10-halloween-pranks-that-went-horribly-and-tragically-wrong.htm>

with a skull mask, bulletproof vest, and fake M-16 assault rifle. The party went great, but after a few drinks, the man, while walking home, and decided to stop in at the local Starbucks for a non-fat latte to help him sober up. Unfortunately, the semi-drunk man was still wearing his armed robber costume. Cashier raised her arm to trigger the store alarm. After watching that the man is having money in his wallet to pay for the coffee and the M-16 was fake police let him head home.

Dad decides to scare kids by pretending to kill their mom - one father found out the hard way after he decided to give his young children, ages six and eight, a good Halloween fright by pretending to kill their mother. Dad of the Year donned a Michael Myers mask from the Halloween movie franchise (classic) and then proceeded to strangle his wife in front of their two kids. The whole thing was fake but the kids freaked out and ran to a neighbor's house and frantically call the police. The sheriff gave the father a detailed explanation and luckily no charges were filed.

PRANKSTERS ON YOUTUBE

The cybercrime police have registered a case against a YouTube channel that shot prank videos in places including the race course here. The case has been registered against the youtube channel 'Kovai 360*' which has been posting prank videos involving random people including women, college students, and the elderly.

According to the police, a case has been registered against the YouTube channel for offenses under section 354D (stalking) and section 4 (the penalty for harassment of women) of the Tamil Nadu Prohibition of Harassment of women act read with section 66E (punishment for violation of privacy) of the information technology act.

The police said the videos were shot without getting the proper consent of the people. Also, the content creation violated the privacy of individuals featured in the videos. The police warned of taking action against persons who shot or upload such prank videos without getting the consent of people, causing mental agony and harassment to them.²⁸

YouTube has the right to remove the content or account. It is the vlogger's responsibility to know the limits of it. If the individual can prove in a court of law that what he/she has

²⁸Case against YouTube channel for creating prank videos, (The Hindu, September 04, 2022), <https://www.thehindu.com/news/cities/Coimbatore/case-against-youtube-channel-for-creating-prank-videos/article65849880.ece>

watched has affected them negatively and YouTube had taken no action towards it, YouTube could be liable. Since the terms of service protect the service provider, YouTube would not be vicariously liable for intentional torts as again it's the platform that is being used. The individual that is the owner of the prank channel shall be vicariously liable to the claimant. This limits the individuals that attempt to sue YouTube for damages or emotional distress²⁹.

LAWS AGAINST PRANKSTER

There have been no specific laws made in the world against pranks and pranksters. But to provide justice to the victim for the damages done to them judiciary considers it and provides relief to the victim if the prankster has proven guilty.

In India-

- Section 354 of the Indian penal code, 1860 (assault and criminal force to women with the intent to outrage her modesty).³⁰
- Cybercrime laws, in 2017 a FIR was filed against a YouTuber under cybercrime laws showing him kissing a woman without her consent.³¹ And section 67 of the Information technology act.³²
- Section 182 of the Indian penal code, 1860 (false information to public officer) and sections 153, 153A, 295, 295A of the Indian penal code, 1860 (offense of spreading false news).³³
- Section 294 of the Indian penal code, 1860 (obscene data).³⁴

In other countries-

- United States: Pranks that cause harm or damage to property can result in criminal charges, and pranksters can face charges of harassment, stalking, defamation, theft, vandalism, criminal mischief, trespassing, and assault/battery. Pranksters can also be

²⁹All Answers Ltd, 'Who is Liable for Torts of Pranksters on YouTube?' (November 23, 2020)

<https://www.lawteacher.net/free-law-essays/tort-law/duty-of-care-youtube-9271.php?vref=1>

³⁰Indian penal code, 1860

³¹FIR against YouTube 'prankster', (The Indian Express, January 10, 2017),

<https://indianexpress.com/article/cities/delhi/fir-against-youtube-prankster-crazy-sumit-cyber-crime-4467182/>

³²Information technology act

³³Indian penal code, 1860

³⁴Indian penal code, 1860

held liable for civil damages, which means that the victim can sue the prankster to recoup any damages they suffered.³⁵

- Saudi Arabia: Under the Saudi law of cybercrimes, pranksters can face a punishment of SR5 million (more than \$1.3 million) and three years in prison.³⁶
- Nigeria: Pranksters can be sued for compensation for loss or injury suffered as a result of the prank, and victims can trump up civil actions against the prankster for assault and battery or tort of negligence.³⁷

PROCESS OF PRESSING CHARGES AGAINST SOMEONE FOR A HARMFUL PRANK

1. Gather evidence- gather much evidence as possible, including witness statements, photographs, and videos.
2. File a complaint- in the police station having jurisdiction over the area where the prank took place.
3. Investigation- police will investigate the complaint and gather evidence.
4. Filing of FIR- if the police determine that the crime has been committed, they will file a FIR, and begin the process of prosecuting the prankster.
5. Legal action- The prankster will face criminal, civil, or both charges depending upon the circumstance.

LEGAL DEFENSES USED BY PRANKSTERS IN COURT

1. Consent
2. Lack of intent
3. Insanity plea
4. Legal loopholes
5. Self-defense

³⁵Ways that pranks can result in criminal charges, (September 20, 2021) <https://www.blackwelderlaw.com/blog/2021/09/ways-that-pranks-can-result-in-criminal-charges/>

³⁶Mohammed Al-Kinani, Illegal Pranksters face severe penalties in Saudi Arabia, (June 25, 2023), <https://www.arabnews.com/node/2160051/saudi-arabia>

³⁷Stanley Alieki, pranks: the legal consequences in Nigeria, (May 6, 2022) <https://www.tekedia.com/pranks-the-legal-consequences-in-nigeria/>

REMEDIES ARE GIVEN TO THE PERSON WITH WHOM THE PRANK HAS BEEN DONE TO

The remedies given to the person with whom a prank has been done depend on the circumstances and the harm caused. If the prank causes financial or physical harm, the victim can pursue legal action. Pranks that cross the line and turn into assault, bullying, or public humiliation can result in criminal charges for the prankster. In some cases, pranks can result in actual injuries, such as broken bones, bruises, head injuries, spine injuries, or other physical injuries, and the victim can consider filing a lawsuit. If the prankster is found guilty, they may have to pay damages or face other legal consequences. In some cases, pranks can result in gun or assault charges. It is important to note that pranks that cause damage to property or injuries can expose the prankster to civil liability for damages, on top of criminal liability.

CONCLUSION

Finally, while pranks can be entertaining and innocent, they can also result in serious legal penalties. Pranksters may face civil liability, criminal prosecution, or both, depending on the circumstances. Pranks that inflict bodily harm or property damage may result in legal liability for damages, and pranksters may face charges of harassment, stalking, defamation, theft, vandalism, criminal mischief, trespassing, assault/battery, and other offenses. Pranksters who take unfair advantage of their victims can be sued for compensation for any damage or injury caused by the hoax. Victims of harmful pranks have legal options, but determining whether a prank crosses the line can be difficult. Pranksters should be aware of the potential legal consequences of their actions and ensure that their pranks do not cause harm or damage to property. Victims of harmful pranks should seek legal advice to determine their legal options.