BLOGS

IPC Notes- Abetment in India (Part 2)

Samridhi M · 25 Apr 2023

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Introduction

This article is the second article in the series on Abetment under the Indian Penal Code. The ***last post*** discussed the ingredients of abetment and Sections 107 to 114 of the Indian Penal Code. This article discusses the rest of the sections and the landmark cases by the Indian courts on abetment.

Relevant Sections on Abetment

Section 115 of the IPC deals with aiding and abetting an offence punished by death or life imprisonment. This clause states that if a person instigates or assists another person in committing such an offence, even if the offence is not actually committed, the abettor can face the same penalty as the primary criminal.

For example, if A urges B to kill someone but B does not actually carry out the murder, A can still be prosecuted with abetment under Section 115 and punished in the same manner as B.

Section 116 of the IPC deals with the aiding and abetting of an offence punishable by imprisonment but not actually committed. This section is identical to Section 115, however it only applies to offences punished by imprisonment. For example, if A convinces B to take something but B eventually decides not to steal, A can still be punished with abetment under section 116.

Section 117 of the IPC deals with aiding and abetting the commission of an offence by the general public or more than 10 people. This clause states that if a person instigates or assists a group of individuals in committing an offence, they can face the same punishment as if they had committed the offence themselves. For example, if A incites a crowd to vandalise a government facility, A may be prosecuted with abetment under Section 117.

Section 118 of the IPC addresses the concealment of a plan to commit an offence punishable by death or life imprisonment. This provision states that if a person knows that another person plans to commit a crime and actively hides this information, they can be penalised as if they had done the crime themselves. For example, if A is aware that B is preparing to kill someone and conceals this information from the police, A can be prosecuted with abetment under Section 118.

Section 119 of the IPC addresses the concealment of a plan to commit an offence that a public official is obligated to prevent. This section is identical to Section 118, however it only applies to public officials. If a public worker willfully hides knowledge concerning an offence that they are obligated to prevent, they can be penalised as if they committed the offence themselves.

The concealing of an intention to commit an offence punishable by imprisonment is dealt with under **Section 120 of the IPC**. This section is identical to Section 118, however it only applies to offences punished by imprisonment. For example, if A knows that B is preparing to steal and hides this knowledge, A may be charged with abetment under section 120.

Important Cases on Abetment

Direct incitement, helping in the commission of an act, and criminal conspiracy are all examples of abetment. This section examines several cases involving abetment under the IPC. Here are a few important cases on abetment and its essential elements.

Sheo Dail Mal case noted in 1894 that criminal incitement might be either direct or indirect. If A sends a letter to B inciting them to commit a crime, the act of abetment by instigation is complete as soon as B learns the contents of the letter.

In the case of ***Queen v. Mohit***, a group of people stood by and actively pushed a lady to become a sutti, even following her to the pyre and shouting “Ram Ram.” All others who actively assisted her, including those who followed her to the fire and stood by her yelling “Ram Ram,” were found guilty of abetment.

Pandala Venkatasami case ruled in 1881 that if a person prepares, in collaboration with others, a copy of an intended false document and purchases stamp paper for the purpose of writing such a false document, he is guilty of abetment of forgery because these are the acts done to facilitate the commission of the offence.

In the case of ***Sanju v. State of M.P.***, a husband urged his wife to “go and die” following a furious fight, and the wife killed herself two days later. The court ruled that just saying “go and die” does not constitute any type of abetment. An accusation of abetment requires the presence of mens rea, or criminal intent.

The accused was charged with abetting others to commit murder in the case of ***Noor Mohammad Momin v. State of Maharashtra***. The Supreme Court of India ruled that Section 120A, which deals with criminal conspiracy, has a broader scope than Section 120B, which deals with abetment. It encompasses a broader spectrum of criminal acts committed or omitted. Furthermore, the presence of the abettor-accused is not necessarily required for conspiracy abetment in this case.

Conclusion

In conclusion, under the IPC, abetment is a serious criminal offence that includes the incitement or willful assisting of the commission of an offence, the commission of the offence as a result of the abetment, and the desire to commit the offence. The numerous provisions of the IPC dealing with abetment cover a wide range of scenarios, including abetment of criminal conduct, abetment of an offence by a public official, conspiracy to commit an offence, and suicide abetment. It is vital to emphasize that abetment is a penal offence, and anybody found guilty of abetting a criminal conduct might face the same punishment as the perpetrator.