BLOGS

IPC Notes- Abetment in India (Part 1)

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Introduction

The act of influencing or persuading another person to commit a crime is known as abetment. It is a criminal offence outlined in **Sections 107 through 120 of the Indian Penal Code (IPC)**. Abetment is the act of assisting or enabling another person's conduct in an infraction, either by directly encouraging them to commit the offence or by providing them with the means and opportunity to do so.

This post will go through the components of abetment as well as Sections 107 to 114. The rest of the sections along with case laws will be dealt in the next post.

Ingredients of Abetment

To fully understand the offence of abetment, it's important to break down its elements. The following are the elements of abetment:

1. The accused must have induced or willfully enabled another person to commit a crime as the first component of abetment. The accused must have known the nature and effects of the crime and must have meant to enable or promote its commission. This can be accomplished by either direct or indirect techniques, such as words, acts, or omissions.
2. The second need is that the offence was committed as a result of the abetment. In other words, the offence would not have occurred if the accused had not provoked or helped in its conduct. Any criminal offence under the IPC can be committed as a result of the abetment.
3. The third need is that the accused had the intent to conduct the crime. This implies that the accused must have meant to help or initiate the commission of the crime and must have been aware that their acts or omissions may result in the conduct of the crime.

Relevant Sections under IPC

Abetment is defined in **Section 107 of the IPC** as "the instigation, or conspiracy in the doing of a thing." Abetment can take several forms, including initiating, assisting, or plotting to commit an offence. Person A is guilty of abetment if he or she induces B to commit an offence or performs an act that constitutes an offence.

An abettor is defined under **Section 108 of the IPC** as "a person who aids and abets the commission of an offence." Abettor is someone who assists or encourages the real perpetrator to do the crime. For example, if person A lends a firearm to person B in order for B to perpetrate a robbery, A is deemed an abettor.

Section 109 of the IPC deals with the penalty of abetment if the act aided is done as a result and no specific provision for punishment is made. It indicates that the penalty for abetment is the same as the penalty for the actual offence. For example, if person A helps person B commit murder and B then commits murder, both A and B will face the same sentence.

Section 110 of the IPC addresses the punishment for abetment where the person aided does an act with a different intent than the abettor. It stipulates that the punishment for abetment is the same as the punishment for the actual offence, regardless of intent. For example, if person A helps person B conduct theft but B ends up hurting someone, A will be penalised for abetting the offence of injury, which has a harsher penalty than theft.

Section 111 of the IPC addresses the culpability of an abettor when one conduct is abetted and another act is committed. It stipulates that the abettor shall be held accountable for the actual offence committed by the person aided, regardless of whether it differed from the conduct abetted. For example, if person A aids and abets person B in committing robbery, but B ends up committing murder during the heist, A is also accountable for murder.

Section 112 of the IPC addresses the abettor's liability for cumulative punishment for both the conduct abetted and the act committed. It indicates that an abettor can be punished for both the aided act and the actual offence committed by the person aided. For example, if person A helps person B conduct theft and B injures someone during the crime, A can be penalised for both abetting theft and the real offence of injuring someone.

Section 113 of the IPC addresses an abettor's culpability for an impact generated by the act aided that differs from the abettor's anticipated result. It asserts that an abettor is accountable for the consequences of the offence, even if they differ from the anticipated consequences. For example, if person A helps person B commit suicide but B lives and causes harm to someone, A will be held accountable for the offence of harm produced by B.

According to **Section 114 of the IPC**, an abettor is someone who is present while an offence is committed and willfully assists or abets its conduct. This clause effectively renders a person who is present during the commission of a crime and actively participates in it as liable as the person who commits the crime directly. For example, if A and B intend to rob a bank and A is there when B performs the heist, A can be charged with abetment under Section 114.

These sections demonstrate the nature of the offence of abetment as well as the ingredients necessary to satisfy it. The rest of the sections as well as case laws are dealt with in the next post in this series.

Important Questions on Abetment under IPC

1. Define abetment and discuss its essentials. [MPCJ 2011]
2. State the different ways of abetment of an offence and discuss the general rules of abetment. Also, distinguish between the abetment and conspiracy. [MPCJ 2011]
3. Who is an abettor? When is a person said to abet an offence?
4. A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence and having the same intention as A. The act is not committed.Has A committed abetment?
5. A' instigates 'B' to the commission of an offence by means of a letter sent through post. The letter never reaches 'W. Has 'A' has committed any offence?

More Notes on IPC

1. IPC Notes- Right of Private Defence
2. IPC Notes- Offences against Religion
3. IPC Notes- Cases on Offences against Religion