BLOGS

IPC Notes- Abetment

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What is Abetment?

The act of assisting, encouraging, or instigating someone to commit a crime is a criminal offence under the Indian Penal Code (IPC). It is a serious offence because it involves actively facilitating the commission of a crime, and it is punishable severely.

Sections 107 to 120 of the Indian Penal Code cover the provisions concerning abetment (IPC). These sections define various types of abetment, such as instigation, conspiracy, and aiding, and prescribe abetment punishment based on the severity of the crime committed. The sections also include guidelines for determining abettor's liability when the crime committed differs from the one intended or planned by the abettor.

Forms of Abetment under the IPC

Abetment, according to the IPC, can take three forms:

1. Instigation
2. Conspiracy
3. Aiding

What is instigation?

The act of urging or inciting someone to commit a crime is referred to as instigation, whereas conspiracy is an agreement between two or more people to commit a crime. Providing material assistance or support to someone committing a crime, such as providing weapons or transportation, is referred to as assisting.

Instigation is punishable under Section 107 of the IPC, which establishes the general principle of abetment. Section 108 of the IPC makes specific provisions for instigation and specifies the penalty for instigation based on the severity of the crime committed. If the instigation results in the commission of a minor offence, the punishment may include up to three years in prison, a fine, or both. If the instigation results in the commission of a major offence, the punishment may include life imprisonment or imprisonment for a term of up to ten years, as well as a fine.

What is Conspiracy?

Section 120-A of the Indian Penal Code contains provisions relating to conspiracy. Conspiracy is frequently regarded as a preparatory offence because it occurs before the commission of the actual crime. It is a serious offence under the law because it involves criminal planning and coordination among individuals, demonstrating a high level of criminal intent and a potential threat to public safety.

What is aiding?

Aiding is a type of abetment in the Indian Penal Code, which refers to the act of providing material assistance or support to someone who is committing a crime. This means that if someone assists another person in committing a crime by providing them with weapons, transportation, or any other type of material support, they may be charged with aiding.

Aiding can take many forms, including any type of material assistance that assists a person in committing a crime. Giving someone a key to a building they intend to burglarize, giving them a

getaway vehicle, or even simply offering advice or guidance on how to commit a crime may all be considered aiding under the law.

Anyone, regardless of whether they are physically present at the scene of the crime, can commit abetment. This means that even if a person does not physically participate in a crime, they can still be held criminally liable if they encourage or aid in its commission.

Elements of Abetment

There must be an obvious link between the act of the abettor and the commission of the crime for it to be considered a criminal offence. The abettor must have a specific intention and actively assist in the commission of the crime if he or she intends to aid or facilitate the commission of the crime. The objective of the act of the abettor is to assist in the commission of the crime and is directly related to the commission of the crime. For example, the abettor of a murder must have some knowledge of the crime and may be actively involved in helping it to be carried out.

Punishment for Abetment

The punishment for abetment is outlined in Section 109 of the Indian Penal Code. This section states that if someone abets the commission of a crime and that crime is committed in consequence of the abetment, then the abettor shall be punished with the punishment provided for that crime.

For example, if Aman instigates Rohit to commit murder, and Rohit commits the murder as a result of Aman’s instigation, then Aman can be punished with the same punishment as prescribed for murder under IPC.

The penalty for abetment varies according to the gravity of the crime committed. If the abetment results in the commission of a minor offence, the abettor faces up to three years in prison, a fine, or both. If abetment leads to the commission of a major offence, the abettor may face life imprisonment or a term of up to ten years in prison, as well as a fine.

Conclusion

Under the IPC, abetment is a serious offence because it involves actively facilitating the commission of a crime. Individuals must understand the legal implications of abetment and avoid engaging in such activities to protect themselves and others. Law enforcement agencies take abetment very seriously, and those found guilty of abetment can expect serious legal consequences.

Check out more notes on IPC here!