BLOGS

IPC Notes- Forms of Intention under the IPC

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Edit TABLE OF CONTENTS Introduction Common Intention under IPC Common Object under IPC Similar Intention under IPC Idea of Common Intention vis-a-vis Similar Intention Difference between Common Object and Common Intention Conclusion

Introduction

This post will provide a brief introduction to the concepts of common intention and similar intention under the IPC and explain the differences between them.

“Common Intention” and “Common Object”

“Common intention” and “common object” are two distinct concepts in the Indian Penal Code (IPC) that play important roles in determining criminal liability. While both terms refer to the collective nature of a crime, they are not interchangeable, and they differ significantly.

Common Intention

Section 34 of the IPC states that when several people commit a criminal act in furtherance of a common intention, each of them is liable for the act in the same way as if he did it alone. Therefore, common intention refers to the shared intention of two or more persons to commit a criminal act.

Common intention, unlike common object, does not require the presence of an unlawful assembly. It can exist between any two or more people who have a common desire to commit a crime, whether or not they have gathered together. The common intention can be formed at any point during the commission of the offence and can be inferred from the accused’s behaviour.

For example, if two people plan to rob a bank and one of them shoots a security guard during the robbery, both of them will be held responsible for the guard’s murder because their shared intention was to commit the robbery and the murder was committed in furtherance of that intention.

In the case of ***Ramachander v. State of Rajasthan***, it was held that when there is no evidence of premeditation or a pre-planned plan, the mere presence of the two accused on the scene or the firing of the two accused, as a result of which one person died and two others received minor injuries, cannot be held to be sufficient to infer common intention.

However, in ***Kripal Singh v. State of U.P.***, it was upheld that common intention can emerge on the spot between a number of people, and this must be inferred from the accused's actions and conduct, as well as the facts and circumstances of the case.

Another relevant section in this regard is **Section 35**. Section 35 of the IPC addresses circumstances in which numerous individuals are engaged in perpetrating a crime, as well as the responsibility of each person for the violation. It is a clause that deals with the idea of "common intention" in penal law.

According to this, when a crime is committed by a group of people who all have the same purpose to commit the offense, each person of the group is held accountable for the complete offense. This means that if one member of the group performs an illegal act, all members of the group can be held responsible, even if they did not actively engage in the act.

Furthermore, the section states that if the group's criminal act was part of a series of acts intended to achieve a common goal, then each member of the group is liable for all acts committed in furtherance of that goal, regardless of whether they directly participated in each act.

Overall, Section 35 of the Indian Penal Code is an important rule that helps to ensure that all members of a group engaged in an illegal act are held responsible for their actions. It also acts as a deterrent to people who may be enticed to engage in criminal activity as part of a collective.

The concept of "cooperation by doing one of several acts constituting an offence" is addressed in **Section 37 of the IPC**. When several people conduct an offence, each person who does anything toward the commission of the offence is said to have "co-operated" in the commission of that offence, according to this part.

This part is linked to the concept of "common intention" as defined by the IPC. Section 37 broadens the scope of responsibility to include circumstances in which multiple people collaborate to conduct an offense but their actions are not pre-planned or coordinated. In such instances, anyone who contributes to the commission of the crime will be held liable for the complete offense

done by the group.

In summation, Section 37 of the IPC guarantees that all individuals who contribute to the execution of an offence, whether through shared purpose or individual actions of cooperation, are held equally responsible for the crime.

Common Object

Section 149 of the IPC states that if any member of an unlawful assembly commits an offence, every other member of that assembly is guilty of the same offence if it is committed in pursuit of the assembly's common object or in furtherance of a common intention. As a result, a common object is the goal that members of an unlawful assembly have in mind when they gather.

Section 141 of the IPC defines an unlawful assembly as a gathering of five or more people with the common goal of committing an offence or performing any illegal act through legal means. The common object can be either illegal or legal, but if it is illegal, the members of the assembly will be held liable for any crime committed in furtherance of that object, whether they personally committed the crime or not.

For example, if a group of people gather with the common goal of beating up someone, and one of them kills that person in the process, all of the group members will be held liable for the murder, even if they did not directly participate in the killing.

Difference between Common Object and Common Intention

The main distinction between common object and common intention is that common object refers to the goal that members of an unlawful assembly have in mind when they gather together, whereas common intention refers to the shared intention of two or more people to commit a criminal act regardless of whether they have gathered together.

A common object also necessitates the presence of an unlawful assembly, whereas common intention does not. Furthermore, common intention can be formed at any stage of the offence's commission, whereas a common object must be present from the start.

Finally, in the IPC, common object and common intention are two key concepts that determine the criminal liability of members of a group or assembly.

While they are related in some ways, they are not interchangeable, and understanding the distinctions between them is critical for determining individual criminal liability in group crimes.

Idea of “Similar Intention” vis-a-vis “Common Intention”

In Indian criminal law, “common intention” and “similar intention” are two distinct concepts with important implications in determining an accused person’s guilt. While both concepts involve the accused’s mental state at the time of the offense, there are some key differences between them.

In contrast to common intention, “similar intention” is not explicitly defined in the IPC. It is a legal concept that has evolved through case law. A similar intention occurs when two or more people act with a similar intention but without a pre-arranged plan or a shared understanding.

For example, if two people decide to rob a shop together without any prior planning, but one of them shoots and kills the shopkeeper during the robbery, both of them may be charged with murder. They did not have a common intention to commit the murder in this case, but their similar intention to rob the shop led to the murder.

The presence of a pre-arranged plan or shared understanding distinguishes common intention from similar intention. In the case of common intention, there is a clear plan or agreement between the participants, while in the case of similar intention, there may not be any prior agreement or understanding.

To summarize, the distinction between common and similar intent is critical in determining the liability of the accused in criminal cases. While both concepts are concerned with the accused’s mental state, the presence or absence of a pre-arranged plan or shared understanding can have a significant impact on the legal consequences.