BLOGS

IPC Notes- Introduction to Criminal Conspiracy

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Definition of Criminal Conspiracy

One of the most serious offences under the Indian Penal Code (IPC) is criminal conspiracy, which involves a group of people planning and carrying out illegal activities. Criminal conspiracy is defined in Section 120A of the IPC, which states that it constitutes a criminal conspiracy when two or more people agree to commit an illegal act or an act that is not illegal but is committed through illegal means.

The primary goal of criminal conspiracy is to commit an offence and achieve the desired result through illegal means. Criminal conspiracy can take many forms, such as plotting a robbery, carrying out a murder, or spreading false information to smear someone's reputation.

Elements of Criminal Conspiracy

In the IPC, the following are the essential elements of criminal conspiracy:

- Agreement: The first and most important component of criminal conspiracy is an agreement between two or more people to commit an illegal act or an act that is not illegal but is done illegally. The agreement must be made between two or more people and must be made before the crime is committed.
- Intention: The intention to commit the crime is the second component of criminal conspiracy. The parties to the agreement must share a common intention to commit the illegal act. The intent must be to commit the crime, not simply to discuss it.
- Act: An act in furtherance of the agreement is the third element of criminal conspiracy. This act can be anything that aids in the commission of the crime, such as the purchase of weapons, the gathering of information about the victim, or the planning of the crime's details.

- Criminality: The act must be illegal, according to the fourth element of criminal conspiracy. The agreement must be to commit a legally punishable offence. If the act is legal but the means by which it is carried out are illegal, it can still be considered criminal conspiracy.
- Parties: The final element of criminal conspiracy is that two or more people must be involved in the agreement. If the act is carried out by a single person, it does not constitute criminal conspiracy.

Punishment for Conspiracy

Section 120B of the Indian Penal Code specifies the punishment for criminal conspiracy (IPC). According to this section, anyone found guilty of criminal conspiracy may be sentenced to imprisonment for a term of up to six months, a fine, or both.

If the purpose of the conspiracy is to commit a criminal offence, the punishment for criminal conspiracy is specified in the section dealing with the specific offence. For example, if the goal of the criminal conspiracy is to commit murder, the punishment for criminal conspiracy is the same as for murder, which is life imprisonment or the death penalty. In addition to the above, the court may also impose a fine on the accused. The amount of fine can vary depending on the nature and gravity of the crime.

Landmark Cases

To understand criminal conspiracy better, it is essential to look at some examples. In the case of *State of Maharashtra v Somnath Thapa* the Supreme Court ruled that knowledge of the commission of either an illegal act or a legal act through illegal means is required to establish a conspiracy charge.

The case of *Kehar Singh v State* is another example of criminal conspiracy (Delhi Administration). The accused in this case were charged with criminal conspiracy to assassinate Prime Minister Indira Gandhi. The court determined that the accused conspired with others to commit the crime and actively participated in the assassination. The court determined that the accused had committed the crime of criminal conspiracy, and the penalty was death.

In conclusion, criminal conspiracy is a severe criminal offence that involves a group of people planning and carrying out illegal activities. Section 120A of the IPC defines criminal conspiracy, and the punishment for this crime is severe. To establish criminal conspiracy, evidence must show

that two or more people agreed to commit an offence.