BLOGS

Understanding the Stages of Crime

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Crime is a human conduct that is believed to be inimical to the social interest. According to Blackstone a crime is an act committed or omitted in violation of a public law either forbidding or commanding it.

The purpose of criminal law is to express a formal social condemnation of forbidden conduct, buttressed by sanctions calculated to prevent it. Indian Penal Code (IPC) does not define crime. Section 40 of IPC states that an offence denotes a thing made punishable by the Code.

Broadly in every crime there are four stages in the commission of an offence. The first stage exists when the culprit first entertains the idea or intention to commit an offence. In the second stage he makes preparations to commit it. The third stage is when he attempts to commit it. If the third stage is successful then finally the actual commission of the offence takes place.



Following are the stages of crime:

Intention

The first stage exists when the culprit first entertains the idea or intention to commit an offence. In this stage, the motive and plan to commit the crime is facilitated. However, at this stage, no offence is punishable because the intention is a mental concept which is very difficult to prove with certainty.

Preparation

In the second stage, the culprit makes the preparation to commit the crime. Necessary resources required to commit the offence are gathered at this stage. Preparation and intention alone are not punishable under IPC as there is a possibility that the accused can retract from committing the offence. However, the offences of waging war, dacoity, counterfeiting coins and depredation on territories of Power at peace with Government are punishable at the preparation stage as even preparation of such acts is considered as a crime against the society.

Attempt

It means an act towards the commission of the offence which fails due to circumstances independent of the attempter's will. It fails owing to the external factors which are beyond the control of the attempter.

A person commits the offence of 'attempt to commit a particular offence' when

1. He intends to commit a particular offence
2. He makes preparation for it
3. Does any act towards its commission

An attempt to commit an offence begins when the preparation ends and a step towards the commission of an offence is taken however such step should be indicative of the intention to commit an actual crime there must be a proximate relation between the two i.e. if the interruption was not caused due to external factor, crime would have been the only result.

A person is said to commit an offence of attempt also in the cases in which he voluntarily desists i.e. repents before the attempt is completed from the actual commission of the crime.

An attempt is made punishable because every attempt though it fails, must create or cause alarm which of itself is an injury to the society. It is necessary to prove for an offence of attempt is that the accused had gone beyond the stage of preparation. An act will amount to mere preparation if the person on his accord, gives it up before the criminal act is carried out.

In order to determine whether a given set of acts constitute attempt or preparation, the test is that whether the overt acts already done are such that if the person changes his mind and does not proceed further the acts already done would be completely harmless.

If they would be so, it would amount to preparation only but where the thing done is such if not prevented by any extraneous cause would fructify into the commission of the offence, it would amount to an attempt to commit the offence.

An act which is impossible to commit cannot be attempted and so is not culpable. However such impossibility must be absolute and not relative. For example if a person shoots a shadow, it shall not be attempt because the commission of such act is impossible but if a person tries to steal from an empty pocket it is an attempt because it is an act towards the commission of the offence and failure of accused is not due to his own act.

Whoever attempts to commit suicide and does any act towards the commission of such offence shall be punished in IPC. In the case of **GIAN KAUR *V.* STATE OF PUNJAB** it was held that right to life under Article 21 of the Constitution does not include right to die or right to be killed.

Accomplishment

This is the last stage of crime. At this stage, the offence is committed or is completed i.e. the accused succeeds his attempt and causes the injury. Finally, at this stage, the accused is held guilty for the commission of offence and is punished according to the provisions of the Indian Penal Code.

If an act remains confined to the first two stages there is, in general, no criminal liability. If intention and preparation were made punishable it would be impossible to prove that the object of an accused was to commit an offence. It is in the third stage that the liability arises. Whether the act is in the second stage or it has entered the third stage is a matter of evidence.

Locus Ponitentiae

An act will amount to a mere preparation if the person on his own accord gives it up before the criminal act is carried out. A person attempting an offence may abandon it at some stage though initially, he had the intention. Abandonment is a defence if further action is freely and voluntarily abandoned before the act is put in process of final execution.

So long as the steps were taken by the accused leave room for doubts that he might of his own accord desist from the act to be attempted he would still be treated on the stage of preparation.

An act which is impossible to commit cannot be attempted and so is not culpable. Impossible acts are not punishable but the impossibility must be absolute and not only relative.

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