

CLAT 2019

 **PROTALENT**
ELITE TEST PREPARATION



Law of Crimes

Session 4 :

Abetment, Criminal Conspiracy, Seditious
With Practice Questions

6

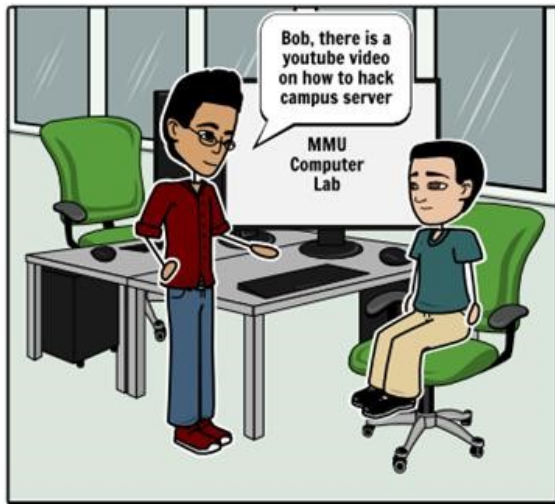
MAJOR OFFENCES PRESCRIBED IN THE INDIAN PENAL CODE

6.1 Abetment

- Abetment of a crime means instigating another person to commit a crime and not committing the crime oneself.

Illustration:

- 'A' intends to kill 'B'. Instead of killing 'B' himself, 'A', instigates 'Z' to kill 'B'. This instigation amounts to abetment.



6.1.1 Important points on Abetment

- *To constitute the offence of abetment it is not necessary that the act that is abetted should be committed*, or that the effect requisite to constitute the offence should be caused.
- It is **not necessary** that the **person who is abetted should be capable by law of committing an offence**, or that he should have the same guilty intention or intention or knowledge as that of the abettor.
- The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

To constitute the offence of abetment it is not necessary that the act that is abetted should be committed, or that the effect requisite to constitute the offence should be caused.

- Illustration:
- A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

It is not necessary that the person who is abetted should be capable by law of committing an offence, or that he should have the same guilty intention or intention or knowledge as that of the abettor.

Illustrations:

- (a) 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. Here A, whether the act be committed or not, is guilty of abetting an offence.
- (b) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in the consequence of the abetment, commits the act in the absence of A and thereby causes Z's death. Here, though B was not capable, by law, of committing an offence, A is still liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder and A is therefore subject to the punishment of death.

- (c) A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.
- (d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration:

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and, as A instigated B to commit the offence, A is also liable to the same punishment.

Ex-1**Principle:**

A person is said to abet the doing of a thing when he instigates any other person to do that thing. Mere acquiescence, however, does not amount to instigation.

Facts:

'A' says to 'B': "I am going to kill 'C'." And, 'B' replies: "Do as you wish and take the consequences"; whereafter 'A' kills 'C'.

- (a) 'B' is jointly liable with 'A' for killing 'C'.
- (b) 'B' abetted 'A' to kill 'C'.
- (c) 'B' has not abetted 'A' to kill 'C'.
- (d) 'B' has abetted 'A' by conspiracy.

Ex-1 **Answer: (c)**

➤ ***Explanation:***

According to the given principle, a person abets the doing of a thing if he instigates any other person to do that thing. Instigation in this case simply means influencing/urging someone to do something which is unlawful. In the given facts 'B' merely told 'A' to do as he pleases, which is acquiescence, and this, in no way amounts to influencing/urging 'A' to kill 'C'. Hence 'B' has not committed the offence of abetment making option (c) the best possible answer.

6.2 Criminal Conspiracy

- Definition of criminal conspiracy
- When two or more persons agree to do, or cause to be done
 - (1) an illegal act, or
 - (2) an act which is not illegal by illegal means, such an agreement is designated as a criminal conspiracy.

CLAT 2018

News Year ago: SC restores criminal conspiracy charges against senior BJP leaders L K Advani, M M Joshi and Uma Bharti



Ex-2

Principle:

When two or more persons agree to do, or cause to be done, (1) an illegal act, or (2) an act which is not illegal by illegal means, through such an agreement such persons are said to have been engaged in a criminal conspiracy to commit an offence. It is said that no consummation of the crime need be achieved or even attempted.

Facts:

'X', 'Y' and 'Z' plan to kill 'D'. They agree that only one among them, that is 'Z', will execute the plan. In pursuance of it 'Z' buys a gun and loads it.

- (a) Only 'Z' can be charged with criminal conspiracy to kill 'D'
- (b) All of them, i.e., 'X', 'Y' and 'Z', can be charged with criminal conspiracy to kill 'D'
- (c) 'X' and 'Y' cannot be charged with criminal conspiracy to kill 'D'
- (d) None of them can be charged with criminal conspiracy to kill 'D'

Ex-2 **Answer: (B)****➤ Explanation:**

A mere agreement is enough for criminal conspiracy. There does not need to be a consummation of the crime or even an attempt as per the Principle given. In this case, 'X', 'Y' and 'Z' entered into an agreement to kill 'D'. This is enough to charge them under criminal conspiracy although the execution of the plan didn't take place.

➤ Joint Liability

Joint Liability of the offenders for the act committed in pursuance of Common Intention, i.e., when a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

Ex-3

Principle:

When a criminal act is done by one person in furtherance of the common intention of himself and some other persons, each of such person is liable for the act in the same manner as if it were done by each one of them.

A, B and C decided to commit burglary. They broke into a locked house. However, before they had finished their work, a domestic servant appeared from the out-house and started shouting. A, B and C left the house and started running away. They were pursued by a small crowd. A, on being caught by X, one of the persons pursuing them, stabbed him and ran away. By the time B and C had disappeared. X died on account of the stab wounds. Later, the police arrested all the three. They were charged for attempted burglary and murder of X.

- (a) Along with A (the person who stabbed X) B and C are also guilty of murder because A stabbed X in furtherance of common intention.
- (b) Along with A, B and C are also guilty of murder because A, at the time of stabbing X, was acting on behalf of B and C and he wanted to save not only himself but B and C as well.
- (c) A alone is guilty of murder because though there was common intention to commit the offence of burglary, there was no common intention to commit the offence of murder.
- (d) None of the above

Ex-3 **Answer: (C)****➤ Explanation:**

In this case, the common intention formed by A, B and C was to commit burglary and not murder. The Principle states that when a criminal act is done in furtherance of the common intention, then all persons are involved in the commission of that crime as if it were done by each one of them. So the basic question to be answered is whether A, B, C had the common intention of killing X. And the answer to this question is clearly in the negative. Hence, option (c) is the most appropriate answer.

6.3 Seditious

- Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government, established by law in India, shall be punished for Seditious.
- The expression "disaffection" includes disloyalty and all feelings of enmity.



Ex-4**Principle:**

Whoever by words, either spoken or written brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in India shall be punished. However, comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence.

Facts:

A renowned professor of economics wrote a critical comment on the economic policies of the Government of India in a National Daily. This piece of writing generated academic debate not only in the print media but also on television and internet. A student of law asked the fellow Indians on a social networking website to assemble at a particular place for peaceful and silent demonstration against the said economic policies on a stipulated date and time. The crowd assembled at that venue and started shouting anti-government slogans. Police arrested the professor.

- (a) The professor has committed the offence
- (b) The professor has not committed any offence
- (c) The student of law has committed the offence
- (d) The crowd has committed an offence

Ex-4 **Answer: (B)****➤ Explanation:**

In this case, the Principle has two parts. Part one deals with the offence whereas part two of the Principle deals with the exception that has to be kept in mind. In most cases such as this, part two becomes the essential question. In other words, we have to answer whether the comments expressing disapprobation of the administrative or other action of the Government, excited or attempted to excite hatred, contempt or disaffection.

In the present facts, the professor only wrote a critical comment on the economic policies of the Government. We can conclude as per the facts that he did not excite or attempt to excite hatred and, hence, option (b) is the most appropriate answer. Options (c) and (d) are irrelevant here, as the Police had arrested the Professor. So the only question to be answered is whether the professor has committed the offence or not.

Ex-5**Principle:**

Sedition: Whoever by words, signs or otherwise brings into hatred or contempt or excites disaffection towards the government established by law in India shall be punished with imprisonment for life.

Facts:

In a public meeting Arvind Gandhi the leader of an opposition party thunders. This is a government of scoundrels, bootleggers and scamsters. They deserve to be unseated. Teach them a lesson in the coming elections by voting them out of power." The government is contemplating to prosecute Yashpal Reddy.

- (a) Yashpal Reddy is guilty of sedition for having made irresponsible and inflammatory statements against the government.
- (b) Yashpal Reddy is not guilty of sedition as he is only exercising his freedom of speech in public.
- (c) Yashpal Reddy is guilty of sedition as his statement would incite people to violence leading to breakdown of law and order.

Ex-5 **Answer: (B)**

➤ ***Explanation:***

This is not a case of Sedition as Mr. Yashpal Reddy, being a leader of the opposition is entitled to speak his mind. While doing so, he is within his rights and by making the above statement, he not bringing hatred or contempt or exciting disaffection towards the government established by law.

**STUDY
MATERIAL/PRACTICE
SHEETS WILL BE
AVAILABLE ON
www.protalentdigital.com**





We Thank You for watching

PROTALENT TEAM

Nitin Parmar
Namrata Parmar

Vishal Bhakhar
Shehzad Vesuna
Chirag Kamani

M 401, Shiv Shakti Complex, Ram Chowk, Ghod Dod Road, Surat

9904788422 | 9374716149

www.protalentdigital.com

Subscribe our YouTube channel

Centres : SURAT ■ BHILWADA ■ UDAIPUR ■ AHMEDABAD