

## ABETMENT, CRIMINAL CONSPIRACY AND ATTEMPT

### **Description:**

In the BNSS 2023, abetment means encouraging, conspiring, or intentionally helping in an act. This includes urging others or aiding through actions. Abetment also covers acts done with the same intention. The law applies to abetment beyond India. Criminal conspiracy is when two or more people agree to do something illegal or achieve a legal goal unlawfully. It becomes a conspiracy if they go beyond just agreeing. Whether the illegal act is the main goal or a side effect doesn't matter.

### **Penal Provision:**

#### *1. Section 49: Abetment of any Offence*

- The punishment for abetment is the same as for the offense being abetted. Whether it is a bailable or non-bailable offense and the court having jurisdiction for trial depends on the nature of the abetted offense.

#### *2. Section 50: Abetment with Different Intention*

- The punishment for abetment with a different intention is the same as for the offense being abetted. Whether it is a bailable or non-bailable offense and the court having jurisdiction for trial depends on the nature of the abetted offense.

#### *3. Section 51: Abetment when One Act is Abetted, and a Different Act is Done*

- The penalty for abetment when one act is abetted, and a different act is done is the same as for the intended abetted offense. Whether it is bailable or non-bailable and the court for trial depends on the nature of the intended abetted offense.

#### *4. Section 52: Abettor Liable to Cumulative Punishment*

- The punishment for an abettor liable to cumulative punishment is the same as for the abetted offense. Whether it is bailable or non-bailable and the court for trial depends on the nature of the abetted offense.

#### *5. Section 53: Abetment when an Effect is Caused Different from Intended*

- Abetment resulting in a different effect than intended incurs the same penalty as the committed offence. Its categorization, as

bailable or non-bailable, hinges on the abetted offence and is triable by the court with jurisdiction over the committed offence.

*6. Section 54: Abetment when Abettor Present During Offence*

- The penalty for abetment when the abettor is present during the offence is identical to the one for the committed offence. Whether it is bailable or non-bailable and the court for trial is contingent on the nature of the abetted offence.

*7. Section 55: Abetment of Offence Punishable with Death or Life Imprisonment*

- For abetment of an offence punishable with death or life imprisonment, the penalty is imprisonment for 7 years and a fine. The nature of the abetted offence determines whether it is bailable or non-bailable, with the trial conducted by the relevant jurisdictional court.

*8. Section 56: Abetment of Offence, Not Committed in Consequence*

- For abetment of an offence not committed in consequence, the penalty is imprisonment up to one-fourth of the longest term prescribed for the offence, or a fine, or both. The bailability and trial are determined by the nature of the abetted offence and conducted by the relevant jurisdictional court.

*9. Section 57: Abetting Commission of Offence by Public or More than Ten Persons*

- For abetting the commission of an offence by the public or more than ten persons, the punishment is imprisonment of up to 7 years and a fine. Bailability and trial depend on the nature of the abetted offence and are determined by the relevant jurisdictional court.

*10. Section 58: Concealing design to commit offence punishable with death or imprisonment for life.*

- Concealing a design to commit an offence punishable with death or life imprisonment entails imprisonment for 7 years and a fine. Bailability is non-bailable, and the trial is conducted by the court with jurisdiction over the abetted offence.

- Concealing a design if the offence is not committed results in imprisonment for 3 years and a fine. Bailability is bailable, and the trial occurs in the court with jurisdiction over the abetted offence.

12. *Section 59: Public servant concealing design to commit offence which it is his duty to prevent.*

- Public servant concealing a design to commit an offence leads to imprisonment extending to one-half of the longest term provided for the offence, or fine, or both. Bailability depends on the abetted offence, and the trial occurs in the court with jurisdiction over the abetted offence.

- A public servant concealing a design for an offence punishable with death or life imprisonment entails imprisonment for 10 years. It is non-bailable, and the trial occurs in the court with jurisdiction over the abetted offence.

- A public servant concealing a design when the offence is not committed results in imprisonment extending to one-fourth of the longest term provided for the offence, or fine, or both. It is a bailable offence, and the trial takes place in the court with jurisdiction over the abetted offence.

15. *Section 60: Concealing design to commit offence punishable with imprisonment.*

- Concealing a design to commit an offence punishable with imprisonment results in imprisonment extending to one-fourth of the longest term provided for the offence, or fine, or both. It may be bailable or non-bailable, depending on the abetted offence, and the trial occurs in the court with jurisdiction over the abetted offence.

- Concealing a design if the offence is not committed leads to imprisonment extending to one-eighth part of the longest term provided for the offence, or fine, or both. It is a bailable offence, and the trial takes place in the court with jurisdiction over the abetted offence.

17. *Section 61: Criminal Conspiracy:*

- Participating in a criminal conspiracy to commit an offence punishable with death, life imprisonment, or rigorous imprisonment for two years or more incurs penalties equivalent to abetment of the intended offence, with the trial determined by the nature of the abetted offence.

- Participating in any criminal conspiracy other than those mentioned in incurs imprisonment for 6 months, a fine, or both. The case is non-cognizable, bailable, and falls under the jurisdiction of a Magistrate of the first class.

*19. Section 62: Attempting to Commit Offence Punishable with Imprisonment for Life or Imprisonment*

- Attempting to commit an offence punishable with life imprisonment or imprisonment entails one-half of the life imprisonment term, or imprisonment not exceeding one-half of the maximum term, or a fine, or both. The case's nature is determined by the attempted offence, and it may be bailable or non-bailable, triable by the court having jurisdiction over the attempted offence.

**Remarks:**

Abetment outside India for an offence committed or to be committed in India has also been criminalised under Section 48 of BNS. This expands the extra-territorial applicability of the BNS.