# IPC Section 108

## Section 108 of the Indian Penal Code: Abettor  
  
Section 108 of the Indian Penal Code (IPC) defines who can be considered an "abettor." This section is crucial for understanding the scope of abetment and identifying individuals who can be held legally accountable for facilitating or encouraging the commission of offenses, even if they don't directly participate in the criminal act itself.  
  
\*\*Deconstructing Section 108:\*\*  
  
Section 108 outlines four distinct categories of individuals who can be deemed abettors:  
  
1. \*\*A person who abets an offense punishable with death or imprisonment for life when the act which caused the offense is not committed in consequence of the abetment, and no other express provision is made for its punishment:\*\* This clause addresses situations where a person abets a serious offense (punishable by death or life imprisonment), but the intended offense is not actually committed due to reasons beyond the abettor's control.  
  
2. \*\*A person who abets an offense punishable with imprisonment when the offense abetted is not committed in consequence of the abetment, and no other express provision is made for its punishment:\*\* This clause deals with abetment of offenses punishable with imprisonment (excluding death or life imprisonment) where the intended offense is not ultimately committed.  
  
3. \*\*A person who abets an offense punishable with death or imprisonment for life, and the offense abetted is committed in consequence of the abetment, but is not the offense which the abettor abetted:\*\* This clause covers instances where a person abets a serious offense, and an offense is committed as a result of the abetment, but the offense committed is different from the one originally intended by the abettor.  
  
4. \*\*A person who abets an offense punishable with imprisonment, and the offense abetted is committed in consequence of the abetment, but is not the offense which the abettor abetted:\*\* This clause addresses scenarios where a person abets an offense punishable with imprisonment (excluding death or life imprisonment), and a different offense is committed as a result of the abetment.  
  
  
\*\*Elaborating on Each Clause:\*\*  
  
\*\*1. Abetment of Serious Offenses (Uncommitted):\*\*  
  
This clause addresses the scenario where a person abets a crime punishable by death or life imprisonment, but the intended crime doesn't occur. Even though the primary offense isn't committed, the act of abetment itself is considered a crime.  
  
\* \*\*Rationale:\*\* This clause recognizes the danger posed by individuals who incite or facilitate serious crimes, even if their efforts are ultimately unsuccessful. The law aims to deter such behavior by holding abettors accountable.  
  
\* \*\*Punishment:\*\* The punishment in this scenario is provided under Section 116 of the IPC, which prescribes imprisonment that may extend to one-fourth of the longest term provided for the offense being abetted, or a fine, or both.  
  
\* \*\*Example:\*\* A person incites others to commit murder, but the intended victim is warned and escapes unharmed. The person who incited the murder can be charged under this clause, even though the murder didn't occur.  
  
  
  
\*\*2. Abetment of Less Serious Offenses (Uncommitted):\*\*  
  
This clause mirrors the first clause, but it applies to offenses punishable with imprisonment other than death or life imprisonment. Here, the abetment of a less serious offense that doesn't ultimately occur is still considered a crime.  
  
\* \*\*Rationale:\*\* Similar to the first clause, this provision aims to deter individuals from inciting or facilitating any crime, regardless of its severity.  
  
\* \*\*Punishment:\*\* The punishment is the same as in the first clause – imprisonment up to one-fourth of the longest term provided for the offense being abetted, or a fine, or both (Section 116 IPC).  
  
\* \*\*Example:\*\* A person encourages others to commit theft, but they are apprehended before they can carry out the act. The person who encouraged the theft can be charged under this clause.  
  
  
\*\*3. Abetment of Serious Offenses (Different Offense Committed):\*\*  
  
This clause addresses situations where a person abets a serious offense (punishable by death or life imprisonment), and a different offense is committed as a consequence of the abetment.  
  
\* \*\*Rationale:\*\* This clause recognizes that abetment can have unintended consequences. Even if the specific offense abetted isn't committed, the abettor can still be held responsible if their actions lead to the commission of another offense.  
  
\* \*\*Punishment:\*\* The punishment in this case depends on the nature of the offense ultimately committed. If the committed offense is also punishable by death or life imprisonment, the abettor can face the same punishment as for the committed offense. If the committed offense is punishable with imprisonment, the abettor can face the punishment prescribed for that specific offense.  
  
\* \*\*Example:\*\* A person incites a riot with the intention of causing widespread damage to property. During the riot, a murder occurs. While the abettor didn't intend for a murder to happen, they can be held liable for it as it was a consequence of their incitement.  
  
  
\*\*4. Abetment of Less Serious Offenses (Different Offense Committed):\*\*  
  
This clause is similar to the third clause but applies to offenses punishable with imprisonment other than death or life imprisonment. If a different offense is committed as a result of the abetment, the abettor can be held responsible.  
  
\* \*\*Rationale:\*\* This clause ensures accountability for the consequences of abetment, even if the committed offense is different from the one intended.  
  
\* \*\*Punishment:\*\* The abettor can be punished with the punishment prescribed for the offense actually committed.  
  
\* \*\*Example:\*\* A person encourages others to commit vandalism, but they end up committing assault instead. The person who encouraged vandalism can be held liable for the assault.  
  
  
\*\*Key Considerations:\*\*  
  
\* \*\*Mens Rea (Criminal Intent):\*\* Establishing \*mens rea\* is crucial for proving abetment. The prosecution must demonstrate that the accused had the necessary intention to abet the commission of an offense.  
  
\* \*\*Actus Reus (Guilty Act):\*\* Section 108 focuses on the actus reus of abetment, defining who can be considered an abettor based on their actions and the consequences of those actions.  
  
  
\*\*Conclusion:\*\*  
  
Section 108 of the IPC plays a vital role in defining the scope of abetment and holding individuals accountable for facilitating or encouraging criminal activity. By categorizing different scenarios of abetment and linking them to specific punishments, it provides a comprehensive framework for dealing with this complex aspect of criminal law. The section's focus on both the intended offense and the offense ultimately committed ensures that abettors are held responsible for the consequences of their actions, regardless of whether the initial plan is fully realized. This serves as a deterrent and reinforces the principle of accountability within the criminal justice system.