# IPC Section 108: Abettor.

## IPC Section 108: Abettor  
  
Section 108 of the Indian Penal Code (IPC) defines who is considered an "abettor." This section is crucial because it clarifies the scope of liability for individuals involved in the commission of an offense, even if they don't directly perpetrate the crime. It complements Section 107 (Abetment of a thing), which defines the \*act\* of abetment, by specifying the \*person\* who can be held liable as an abettor. Understanding Section 108 is vital for grasping the concept of complicity in criminal law.  
  
\*\*The Definition of Abettor:\*\*  
  
Section 108 states:  
  
"A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor."  
  
This definition can be broken down into two key components:  
  
1. \*\*Abetting the Commission of an Offence:\*\* This covers situations where a person abets the actual commission of a recognized offense under the IPC. The abettor encourages, assists, or conspires with another person to commit a crime that is actually carried out.  
  
2. \*\*Abetting an Act Which Would Be an Offence:\*\* This broader component addresses situations where the abetted act itself wouldn't constitute an offense if committed by the principal actor, but would be an offense if committed by the abettor with their specific intention or knowledge. This is especially relevant when dealing with situations involving individuals who are incapable of committing certain offenses due to their age, mental state, or other legal exemptions.  
  
\*\*Illustrative Examples:\*\*  
  
\* \*\*Scenario 1 (Abetting the Commission of an Offence):\*\* A provides B with a weapon, knowing that B intends to use it to murder C. B subsequently murders C using the provided weapon. A is an abettor, having aided in the commission of the offense of murder.  
  
\* \*\*Scenario 2 (Abetting an Act Which Would Be an Offence):\*\* A, an adult, instigates B, a minor, to steal C's bicycle. B steals the bicycle. While B might not be fully criminally liable due to being a minor, A is liable as an abettor. If A had stolen the bicycle themselves, it would have been an offense. Therefore, by instigating B, A abetted an act that would have been an offense if committed by A with A's knowledge and intention.  
  
\* \*\*Scenario 3 (Abetting an Act Which Would Be an Offence):\*\* A, a diplomat enjoying diplomatic immunity, incites B to assault C. B assaults C. While A might be immune from prosecution for assault due to diplomatic immunity, their act of inciting B constitutes abetment, as the assault would have been an offense if committed by A without diplomatic immunity.  
  
  
\*\*Key Elements of Section 108:\*\*  
  
1. \*\*Intention or Knowledge:\*\* The abettor must possess the requisite intention or knowledge that their actions are contributing to the commission of an offense, or an act which would be an offense if committed by them. Mere negligence or unintentional assistance does not qualify as abetment.  
  
2. \*\*Causal Connection:\*\* There must be a clear connection between the abettor's actions and the commission of the offense or the abetted act. The abetment must have played a role in facilitating or encouraging the commission of the offense.  
  
3. \*\*Principal Offender's Capacity Irrelevant (in certain cases):\*\* Section 108 clarifies that even if the principal offender is incapable of committing the offense due to legal exemptions or incapacity, the abettor can still be held liable. The focus shifts to whether the act would have been an offense if committed by the abettor themselves with their specific intention and knowledge.  
  
4. \*\*Abetment of an Unsuccessful Attempt:\*\* Even if the intended offense is not ultimately committed, the abettor can still be held liable for abetting the attempt to commit the offense.  
  
\*\*Distinguishing Abettor from Principal Offender:\*\*  
  
While an abettor is complicit in the commission of an offense, they are distinct from the principal offender, who directly perpetrates the crime. The principal offender is the person who actually performs the criminal act. The abettor assists, encourages, or conspires in the commission of the offense but doesn't necessarily perform the act themselves.  
  
  
\*\*Relationship with Other Sections:\*\*  
  
Section 108 is closely linked to other sections dealing with abetment, such as:  
  
\* \*\*Section 107 (Abetment of a thing):\*\* This section defines the various forms of abetment, which include instigation, conspiracy, and aiding. Section 108 specifies \*who\* is considered an abettor based on these forms of abetment.  
  
\* \*\*Section 109 (Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment):\*\* This section deals with the punishment for abetment.  
  
\* \*\*Section 116 (Abetment of offence by the public generally or by a number of persons exceeding ten):\*\* This section addresses abetment by a large group of people.  
  
  
\*\*Conclusion:\*\*  
  
Section 108 of the IPC plays a critical role in clarifying the scope of criminal liability by defining who can be considered an abettor. It broadens the reach of the law beyond those who directly commit offenses to encompass individuals who facilitate, encourage, or conspire in their commission. The section’s focus on the abettor's intention and knowledge, combined with the consideration of whether the act would be an offense if committed by the abettor themselves, ensures a more comprehensive approach to addressing criminal complicity. This strengthens the legal framework by holding individuals accountable for their contribution to criminal activity, even if they don't directly perpetrate the crime.