# IPC Section 109: Punishment of a abetment if the act abetted is committed in consequence and when no express provision is made for its punishment.

## IPC Section 109: Punishment of Abetment if the Act Abetted is Committed in Consequence and When No Express Provision is Made for Its Punishment  
  
Section 109 of the Indian Penal Code (IPC) deals with the punishment for abetment in situations where the abetted act is actually committed, and there's no specific provision in the IPC prescribing a separate punishment for abetting that particular offense. This section ensures that abettors are held accountable for their role in facilitating criminal activity, even in the absence of a dedicated provision for punishing the abetment of a specific offense.  
  
\*\*The Provision of Section 109:\*\*  
  
Section 109 states:  
  
"Whoever abets any offence shall, if the act abetted is committed in consequence of such abetment, and no express provision is made for the punishment of such abetment, be punished with the punishment provided for the offence."  
  
This section highlights three key aspects:  
  
1. \*\*Act Abetted is Committed:\*\* The section applies only when the offense that was abetted is actually committed. If the abetted act is not committed, other provisions dealing with attempts or conspiracies would be applicable.  
  
2. \*\*No Express Provision for Punishment of Abetment:\*\* The section comes into play when there is no specific provision in the IPC prescribing a separate punishment for abetting that particular offense. For example, the IPC has specific provisions for punishing abetment of suicide (Section 306) or mutiny (Section 132). Section 109 applies when such specific provisions are absent.  
  
3. \*\*Punishment Same as for the Offense:\*\* In such cases, the abettor is punished with the same punishment prescribed for the offense itself. This reflects the seriousness with which the law views abetment, recognizing its crucial role in facilitating criminal activity.  
  
\*\*Illustrative Examples:\*\*  
  
\* \*\*Scenario 1:\*\* A instigates B to commit theft, and B subsequently commits the theft. While the IPC does not have a specific provision for punishing abetment of theft \*per se\*, Section 109 applies. Therefore, A is punished with the same punishment prescribed for theft under Section 379.  
  
\* \*\*Scenario 2:\*\* A provides B with poison, knowing that B intends to use it to murder C. B uses the poison to murder C. Since there's no specific provision for punishing the abetment of murder, Section 109 applies. A is punished with the same punishment as B, the murderer.  
  
\* \*\*Scenario 3:\*\* A abets B to commit robbery, but B is apprehended before committing the robbery. In this case, Section 109 does not apply because the act abetted (robbery) was not committed. Other provisions related to attempt to commit robbery would apply.  
  
  
\*\*Key Principles Underlying Section 109:\*\*  
  
1. \*\*Parity in Punishment:\*\* The section establishes parity between the punishment for the principal offense and the punishment for its abetment when no specific provision exists. This underscores the significant role played by the abettor in facilitating the commission of the crime.  
  
2. \*\*Deterrence:\*\* By prescribing the same punishment for abetment as for the offense itself, the section aims to deter individuals from assisting or encouraging criminal activity.  
  
3. \*\*Complementary Provision:\*\* Section 109 serves as a complementary provision, filling the gaps in the IPC where specific provisions for punishing abetment are absent. It ensures that abettors do not escape punishment merely because a specific provision for abetting a particular offense is not included in the Code.  
  
4. \*\*Focus on Consequences:\*\* The section emphasizes the consequences of the abetment. The act abetted must actually be committed for the section to apply. This distinguishes it from provisions dealing with inchoate offenses like attempts or conspiracies.  
  
\*\*Relationship with Other Sections:\*\*  
  
Section 109 is intrinsically linked to other sections dealing with abetment, including:  
  
\* \*\*Section 107 (Abetment of a thing):\*\* This section defines the different forms of abetment, such as instigation, conspiracy, and aiding. Section 109 builds upon this definition by specifying the punishment for abetment when the abetted act is committed and no specific provision exists.  
  
\* \*\*Section 108 (Abettor):\*\* This section defines who can be considered an abettor, which is a prerequisite for applying Section 109.  
  
\* \*\*Sections Dealing with Specific Abetment Offenses:\*\* Sections like 306 (Abetment of suicide) and 132 (Abetment of mutiny) provide specific punishments for abetting particular offenses. These specific provisions override Section 109.  
  
  
\*\*Scope and Application:\*\*  
  
Section 109 is a general provision that applies to a wide range of offenses. It comes into play only when the following conditions are met:  
  
1. The act abetted is actually committed.  
2. There is no express provision in the IPC prescribing a separate punishment for abetting that specific offense.  
  
It's important to note that if there is a specific provision for punishing the abetment of a particular offense, that provision will prevail over Section 109.  
  
  
\*\*Conclusion:\*\*  
  
Section 109 of the IPC plays a vital role in ensuring accountability for abetment by prescribing punishment even in the absence of specific provisions for abetting particular offenses. By linking the punishment for abetment to the punishment for the offense itself, the section emphasizes the seriousness of abetment and its contribution to criminal activity. It acts as a safety net, filling the gaps in the legal framework and ensuring that individuals who facilitate or encourage criminal acts are held liable and punished accordingly.