# IPC Section 114: Abettor present when offence is committed.

## IPC Section 114: Abettor Present When Offence is Committed  
  
Section 114 of the Indian Penal Code (IPC) deals with a specific circumstance of abetment where the abettor is physically present when the offense they abetted is committed. This section creates a presumption of active involvement in the commission of the offense, leading to a higher degree of liability for the abettor.  
  
\*\*The Provision of Section 114:\*\*  
  
Section 114 states:  
  
"Whenever any person who if absent would be liable to be punished as an abettor, as defined in Section 107 of the Indian Penal Code, by instigating, engaging with, or intentionally aiding, any person to commit an offence, shall be present when the offence is so committed he shall be deemed to have committed the same offence which is committed by a person abetted."  
  
  
\*\*Explanation and Breakdown:\*\*  
  
This section specifies that if someone who would normally be considered an abettor (as defined in Section 107, which includes instigating, conspiring, or intentionally aiding) is \*physically present\* when the offense they abetted is committed, they are legally considered to have committed the offense themselves. This essentially elevates their liability from that of an abettor to that of a principal offender. The rationale behind this provision is that the abettor's presence at the scene of the crime creates a strong presumption of active involvement and participation in the commission of the offense.  
  
\*\*Illustrative Examples:\*\*  
  
\* \*\*Scenario 1 (Presence at the Scene):\*\* A instigates B to assault C. A is also present when B assaults C. Under Section 114, A is deemed to have committed the assault themselves and can be punished as a principal offender.  
  
\* \*\*Scenario 2 (Absence from the Scene):\*\* A instigates B to assault C, but A is not present when B assaults C. In this case, A is liable only as an abettor, not as a principal offender.  
  
\* \*\*Scenario 3 (Presence Without Active Participation):\*\* A instigates B to steal C's car. A is present at the location where B steals the car, but A does not actively participate in the theft. Even though A did not physically participate in the act of stealing, their presence at the scene, combined with the prior instigation, is sufficient to make them liable as a principal offender under Section 114.  
  
\* \*\*Scenario 4 (Mere Presence):\*\* A and B are friends. B decides to steal C's bicycle. A happens to be present when B steals the bicycle, but A played no role in instigating, aiding, or conspiring with B. In this case, Section 114 does not apply. A's mere presence at the scene, without any prior act of abetment, does not make them liable for the theft.  
  
  
\*\*Key Elements of Section 114:\*\*  
  
1. \*\*Prior Abetment:\*\* The individual must have engaged in an act of abetment (instigation, conspiracy, or intentional aiding) \*before\* the commission of the offense. Mere presence at the scene without prior abetment is not sufficient.  
  
2. \*\*Presence at the Scene:\*\* The abettor must be physically present at the time and place where the offense is committed. This requires more than just being in the vicinity; it implies being close enough to witness and potentially participate in the offense.  
  
3. \*\*Deemed to Have Committed the Offense:\*\* If these conditions are met, the abettor is legally considered to have committed the offense themselves, even if they did not physically perpetrate the act. They are treated as a principal offender and punished accordingly.  
  
  
  
\*\*Distinction from Other Sections:\*\*  
  
Section 114 differs from other abetment provisions in its emphasis on the abettor's presence at the scene of the crime. While other sections focus on the abettor's intent, actions, or the consequences of the abetment, Section 114 specifically deals with the legal implications of the abettor's presence during the commission of the offense.  
  
  
\*\*Purpose and Significance of Section 114:\*\*  
  
Section 114 is important because it:  
  
\* \*\*Strengthens Deterrence:\*\* By increasing the liability for abettors present at the scene of the crime, it serves as a strong deterrent against individuals actively participating in or supporting criminal activity.  
  
\* \*\*Reflects Greater Culpability:\*\* Presence at the scene, combined with prior abetment, suggests a higher degree of involvement and culpability than mere abetment from a distance.  
  
\* \*\*Simplifies Prosecution:\*\* It simplifies the prosecution's burden of proof by creating a legal presumption of participation in the offense.  
  
\* \*\*Promotes Justice:\*\* It ensures that individuals who actively participate in or support criminal activity, even without directly perpetrating the act, are held accountable for their role in the offense.  
  
  
\*\*Conclusion:\*\*  
  
Section 114 of the IPC is a significant provision that clarifies the liability of abettors present at the scene of the crime. By deeming such abettors to have committed the offense themselves, the section strengthens the deterrent effect of the law, reflects the greater culpability of those present during the commission of the offense, and promotes a more just outcome by ensuring that all participants in criminal activity are held accountable for their actions.