# IPC Section 115: Abetment of offence punishable with death or imprisonment for life.—if offence not committed. if act causing harm be done in consequence.

## IPC Section 115: Abetment of Offence Punishable with Death or Imprisonment for Life - If Offence Not Committed; If Act Causing Harm Be Done in Consequence  
  
Section 115 of the Indian Penal Code (IPC) deals with the punishment for abetting offenses punishable with death or imprisonment for life, specifically in situations where the intended offense is not actually committed, but some harm is caused as a consequence of the abetment. This section addresses the gap between successful abetment (where the intended offense is committed) and mere attempts, ensuring that even unsuccessful abetment of serious offenses carries a significant penalty.  
  
\*\*The Provision of Section 115:\*\*  
  
Section 115 states:  
  
"Whoever abets the commission of an offence punishable with death or 1[imprisonment for life], shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;  
or  
If any act for which the abettor is liable in consequence of the abetment, causes hurt to any person, the abettor shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine."  
  
  
  
\*\*Explanation and Breakdown:\*\*  
  
This section covers two distinct scenarios:  
  
1. \*\*Abetment of a Serious Offense, but Offense Not Committed:\*\* If someone abets an offense punishable with death or life imprisonment, but the intended offense is not actually committed, and there is no specific provision in the IPC for punishing the abetment of that particular offense, the abettor can be punished with imprisonment up to seven years and a fine. This addresses situations where the abetment fails to achieve its ultimate objective but still represents a serious criminal intent.  
  
2. \*\*Abetment Causing Hurt:\*\* If, as a consequence of the abetment, any act for which the abettor is liable causes hurt to any person, the abettor can be punished with imprisonment up to fourteen years and a fine. This recognizes that even if the intended serious offense is not committed, the abetment can still lead to harmful consequences, warranting a higher penalty.  
  
\*\*Illustrative Examples:\*\*  
  
\* \*\*Scenario 1 (Offense Not Committed):\*\* A instigates B to murder C by providing B with a weapon. B, however, is apprehended before they can carry out the murder. In this case, the offense of murder is not committed. However, A can still be punished under Section 115 with imprisonment up to seven years and a fine for abetting an offense punishable with death.  
  
\* \*\*Scenario 2 (Hurt Caused):\*\* A instigates B to throw acid on C's face, intending to cause grievous hurt. B throws acid on C's face, but only minor burns are caused, not grievous hurt as intended. While the intended offense (grievous hurt) is not committed, hurt is caused. Therefore, A can be punished under Section 115 with imprisonment up to fourteen years and a fine.  
  
\* \*\*Scenario 3 (Specific Provision Exists):\*\* A abets B to commit suicide, which is punishable with imprisonment up to ten years under Section 306. B attempts suicide but survives. Since there's a specific provision for punishing abetment of suicide, Section 306 applies, not Section 115.  
  
\*\*Key Elements of Section 115:\*\*  
  
1. \*\*Abetment of a Serious Offense:\*\* The abetment must relate to an offense punishable with death or life imprisonment.  
  
2. \*\*Offense Not Committed (First Part):\*\* The intended serious offense must not have been committed for the first part of the section to apply.  
  
3. \*\*Hurt Caused (Second Part):\*\* For the second part of the section to apply, some act for which the abettor is liable in consequence of the abetment must have caused hurt to any person.  
  
4. \*\*No Express Provision:\*\* The first part of this section applies only if there's no specific provision in the IPC for punishing the abetment of that particular offense.  
  
  
  
\*\*Distinction from Other Sections:\*\*  
  
Section 115 is distinct from other abetment provisions in its specific focus on abetment of serious offenses where the intended offense is not committed. Section 109 (Punishment of abetment if the act abetted is committed) deals with cases where the abetted offense \*is\* committed. Sections 110 (Punishment of abetment if person abetted does act with different intention) and 111 (Liability of abettor when one act abetted and different act done) address situations where a different act is done than the one abetted.  
  
  
\*\*Purpose and Significance of Section 115:\*\*  
  
Section 115 is important because:  
  
\* \*\*Bridges the Gap:\*\* It addresses the gap between successful abetment and mere criminal preparation by providing for punishment of abetment of serious offenses even when the intended offense is not committed.  
  
\* \*\*Reflects the Gravity of Intent:\*\* It recognizes that abetting serious offenses, even unsuccessfully, demonstrates a dangerous criminal intent that warrants punishment.  
  
\* \*\*Deters Abetment of Serious Crimes:\*\* By imposing significant penalties for abetting serious crimes, even if unsuccessful, it acts as a deterrent against such behavior.  
  
  
\* \*\*Addresses Harmful Consequences:\*\* The second part of the section specifically addresses situations where the abetment, though unsuccessful in achieving its ultimate objective, still results in harm to individuals.  
  
  
\*\*Conclusion:\*\*  
  
Section 115 of the IPC is a crucial provision that fills a vital gap in the law relating to abetment. It ensures that individuals who abet serious offenses are held accountable even if the intended offense is not committed, recognizing the dangerousness of their intent and the potential for harm. This section strengthens the deterrent effect of the law and promotes a more just outcome by punishing individuals for the harm they cause or intend to cause, even if their ultimate objective is not achieved.