# IPC Section 116: Abetment of offence punishable with imprisonment.—if offence be not committed. if abettor or person abetted be a public servant whose duty it is to prevent offence.

## IPC Section 116: Abetment of Offence Punishable with Imprisonment – Special Cases Involving Non-Commission and Public Servants  
  
Section 116 of the Indian Penal Code deals with a specific scenario of abetment where the intended offence is not ultimately committed. It further specifies the implications when either the abettor or the person abetted is a public servant whose duty it is to prevent the commission of such an offence. This section highlights the gravity of abetment, especially when individuals entrusted with upholding the law are involved, even if the intended crime does not come to fruition.  
  
\*\*Understanding the core components of Section 116:\*\*  
  
1. \*\*Abetment:\*\* The foundation of this section lies in the concept of abetment, which is comprehensively defined under Section 107 of the IPC. Abetment essentially encompasses instigating a person to commit an offence, engaging in a conspiracy for its commission, or intentionally aiding the commission of an offence by any act or illegal omission.  
  
2. \*\*Offence punishable with imprisonment:\*\* This section applies only when the offence abetted is punishable with imprisonment, regardless of whether it also includes a fine. The severity of the punishment for abetment under this section is linked to the punishment prescribed for the intended offence.  
  
3. \*\*Offence not committed:\*\* A crucial element of Section 116 is that the offence which is abetted is ultimately \*not\* committed. This distinguishes it from other sections dealing with abetment where the principal offence is successfully carried out. The focus here is on the criminal intent and the act of abetment itself, even if the desired outcome is not achieved.  
  
4. \*\*Public Servant and Duty to Prevent:\*\* This section introduces two specific situations where the consequences of abetment are further amplified:  
 \* \*\*Abettor is a public servant:\*\* If the person instigating, conspiring, or aiding the commission of the offence is a public servant whose duty includes preventing that specific offence, the punishment is enhanced.  
 \* \*\*Person abetted is a public servant:\*\* Similarly, if the person being instigated or aided is a public servant whose duty involves preventing the intended offence, the punishment is also enhanced.  
  
\*\*Punishment prescribed under Section 116:\*\*  
  
The punishment for abetment under this section varies depending on the nature of the offence abetted.  
  
\* \*\*If the offence abetted is punishable with imprisonment for life or imprisonment for a term of seven years or more:\*\* The abettor shall be punished with imprisonment of either description for a term which may extend to one-fourth part of the longest term provided for the offence, or with such fine as is provided for the offence, or with both.  
  
\* \*\*If the offence abetted is punishable with imprisonment, but not with imprisonment for life or imprisonment for seven years or more:\*\* The abettor shall be punished with imprisonment for a term which may extend to one-half of the longest term provided for the offence, or with such fine as is provided for the offence, or with both.  
  
\*\*Significance of Section 116:\*\*  
  
This section holds significant importance due to several reasons:  
  
\* \*\*Deterrent effect:\*\* By punishing abetment even when the intended offence is not committed, the law aims to deter individuals from engaging in activities that encourage or facilitate criminal acts. This preventive aspect is crucial in maintaining public order and safety.  
  
\* \*\*Accountability of public servants:\*\* The enhanced punishment for public servants involved in abetment highlights the higher standard of conduct expected from them. Their duty to prevent crime makes their involvement in abetting it a more serious breach of trust and law.  
  
\* \*\*Protecting the integrity of public offices:\*\* By addressing abetment by and of public servants, this section seeks to maintain the integrity of public offices and prevent the misuse of power for illegal purposes.  
  
\* \*\*Addressing inchoate offences:\*\* Section 116 deals with an "inchoate" offence, meaning an offence that is incomplete or has not yet reached its final stage. Punishing such inchoate offences is essential as it acknowledges the criminal intent and the potential harm they pose even if the ultimate crime is not committed.  
  
  
\*\*Illustrative Example:\*\*  
  
A police officer (public servant whose duty is to prevent offences) instigates a group of individuals to vandalize a political opponent's office. However, due to increased police presence in the area, the group abandons their plan before carrying out the vandalism. Even though the actual offence of vandalism was not committed, the police officer can be charged under Section 116 for abetting the offence, with the punishment being enhanced due to his position as a public servant responsible for preventing such acts.  
  
  
In conclusion, Section 116 of the IPC plays a vital role in addressing the issue of abetment even in cases where the intended offence is not committed. The enhanced punishment for public servants involved in such abetment reinforces the responsibility placed upon them to uphold the law and prevent crime, further contributing to maintaining public order and security.