# IPC Section 120: Concealing design to commit offence punishable with imprisonment. if offence be committed; if offence be not committed.

Section 120 of the Indian Penal Code (IPC) addresses the concealment of designs to commit offences punishable with imprisonment, excluding those already covered under Sections 118 and 119. This section broadens the scope of criminal concealment beyond the most serious offences and encompasses a wider range of criminal intentions.  
  
\*\*Detailed Breakdown of Section 120:\*\*  
  
1. \*\*Concealing a Design:\*\* Like Sections 118 and 119, this refers to the active or passive hiding of an intention or plan to commit an offence. It signifies more than mere knowledge of a potential crime; it involves a conscious and deliberate effort to keep the plan secret. This can take the form of:  
  
 \* \*\*Active Concealment:\*\* Deliberately withholding information about the planned offence from authorities or anyone who could intervene. This could include providing false alibis, destroying evidence, or actively misleading investigations.  
 \* \*\*Passive Concealment:\*\* Failing to disclose the plan despite having a reasonable opportunity to do so. This implies a deliberate choice to keep the design hidden, even when a responsible individual might be expected to report it.  
  
2. \*\*Offence Punishable with Imprisonment:\*\* This section applies to the concealment of designs to commit offences punishable with any term of imprisonment, regardless of the duration. This distinguishes it from Sections 118 and 119, which focus on offences punishable with death or life imprisonment (Section 118) and those a public servant is duty-bound to prevent (Section 119). Section 120 covers the remaining spectrum of offences that carry a prison sentence. Examples include theft (Section 379), assault (Section 351), or criminal trespass (Section 441).  
  
3. \*\*If Offence be Committed:\*\* If the concealed offence is actually carried out, the punishment is determined as follows:  
  
 \* \*\*If the committed offence is punishable with imprisonment for a term of seven years or more:\*\* The person who concealed the design shall be punished with imprisonment of either description for a term which may extend to one-half of the longest term of imprisonment provided for that offence, or with fine, or with both.  
 \* \*\*If the committed offence is punishable with imprisonment for a term less than seven years:\*\* The person who concealed the design shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.  
  
4. \*\*If Offence be Not Committed:\*\* Even if the intended offence is not ultimately committed, the act of concealing the design remains punishable under Section 120. In this case, the individual can be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both. This provision emphasizes the preventive aspect of the law, discouraging individuals from harboring and concealing criminal intentions, even if they ultimately don't act on them.  
  
\*\*Essential Elements for Prosecution under Section 120:\*\*  
  
\* \*\*Mens Rea (Guilty Mind):\*\* The prosecution needs to prove that the accused had a deliberate intention to conceal the design. Mere suspicion or passive awareness of a potential offence is not sufficient. A conscious and active effort to keep the plan secret must be established.  
\* \*\*Actus Reus (Guilty Act):\*\* The specific act of concealment, whether active or passive, needs to be proven. This could involve providing false information, hiding evidence, or failing to report the planned offence despite a reasonable opportunity.  
\* \*\*Connection between Concealment and Offence:\*\* A direct link must be established between the concealed design and the intended offence punishable with imprisonment. The prosecution must demonstrate that the concealed plan related specifically to that particular offence.  
\* \*\*Offence Not Covered by Sections 118 and 119:\*\* It's crucial to establish that the concealed offence doesn't fall under the purview of Sections 118 or 119. If the offence is punishable with death or life imprisonment, or if the accused is a public servant concealing an offence they are duty-bound to prevent, then the relevant section (118 or 119) will apply instead.  
  
\*\*Distinction from Other Sections:\*\*  
  
\* \*\*Section 118:\*\* Deals with concealing designs to commit offences punishable with death or imprisonment for life.  
\* \*\*Section 119:\*\* Deals with public servants concealing designs to commit offences they are duty-bound to prevent.  
\* \*\*Section 120A (Criminal Conspiracy):\*\* Conspiracy involves an agreement between two or more persons to commit an illegal act. Section 120 focuses on the concealment of a design, even if only by a single individual. Concealment can be a component of a conspiracy, but it is not necessarily so.  
  
  
\*\*Conclusion:\*\*  
  
Section 120 of the IPC plays a vital role in crime prevention by addressing a broader spectrum of criminal intentions, beyond the most serious offences covered by other sections. By criminalizing the concealment of designs to commit any offence punishable with imprisonment, it aims to deter individuals from harboring and concealing criminal plans, even if they don't ultimately execute them. The tiered punishment structure, based on the severity of the intended offence, ensures proportionality in sentencing. Effective application of this section necessitates careful investigation and clear evidence to establish intent, act of concealment, and the connection between the concealed design and the intended offence.