# IPC Section 120.1: Definition of criminal conspiracy

Section 120A of the Indian Penal Code (IPC), defining criminal conspiracy, is a crucial provision dealing with the inchoate stage of crime. It criminalizes the agreement between two or more persons to do an illegal act or an act which is not illegal by illegal means. This section recognizes the danger posed by collective criminal intent, even before the actual commission of the planned offence.  
  
\*\*Detailed Breakdown of Section 120A:\*\*  
  
1. \*\*Agreement:\*\* The core element of criminal conspiracy is the existence of an agreement between two or more persons. This agreement represents a meeting of minds, a shared understanding and intention to achieve a common objective. It doesn't require a formal written contract; a tacit understanding or a series of communications establishing a common unlawful purpose is sufficient. The agreement must be concrete and specific, going beyond mere discussions or shared grievances.  
  
2. \*\*Illegal Act:\*\* The agreement must be to commit an offence. This refers to any act punishable under the IPC or any other law in force. The intended offence must be clearly defined and recognized as illegal under existing legislation.  
  
3. \*\*Act Which Is Not Illegal by Illegal Means:\*\* This part of the definition expands the scope of conspiracy beyond agreements to commit inherently illegal acts. It also covers agreements to achieve an objective that is not itself illegal, but through illegal means. For instance, if two individuals agree to secure a government contract through bribery, even if obtaining the contract itself is legal, the agreement constitutes a criminal conspiracy due to the illegal means employed.  
  
4. \*\*Two or More Persons:\*\* Criminal conspiracy inherently requires the involvement of at least two individuals. A single person cannot conspire with themselves. This underscores the collaborative nature of the offence, focusing on the shared intent and agreement to achieve a common unlawful purpose.  
  
\*\*Essential Ingredients for Establishing Criminal Conspiracy:\*\*  
  
\* \*\*Agreement:\*\* The prosecution must prove the existence of a mutual agreement between two or more persons. This can be established through direct evidence, such as written communications or witness testimonies, or circumstantial evidence, like consistent patterns of behavior or coordinated actions.  
\* \*\*Common Intention:\*\* The agreement must involve a shared intention to achieve a common unlawful objective. Each party to the agreement must understand and subscribe to the plan, sharing the same criminal purpose.  
\* \*\*Object of the Agreement:\*\* The object of the agreement must be either an illegal act or a legal act to be achieved through illegal means. The prosecution must clearly define the intended offence or the illegal means to be employed. The mere agreement to do something immoral or unethical does not constitute criminal conspiracy unless it also involves a violation of existing law.  
\* \*\*Parties to the Agreement:\*\* The prosecution must identify at least two individuals who were parties to the agreement. It's not necessary for all conspirators to be known or apprehended; the involvement of at least two persons in the agreement must be established.  
  
  
\*\*When the Conspiracy is Complete:\*\*  
  
The offence of criminal conspiracy is complete the moment the agreement is formed, regardless of whether the intended offence is ultimately committed or not. The focus is on the agreement itself, the coming together of minds for an unlawful purpose, and not the subsequent execution of the plan.  
  
  
\*\*Punishment for Criminal Conspiracy:\*\*  
  
The punishment for criminal conspiracy is dependent on the nature of the offence that is the object of the conspiracy.  
  
\* \*\*If the offence agreed upon is punishable with death, imprisonment for life, or rigorous imprisonment for a term of two years or upwards:\*\* The punishment for the conspiracy is the same as the punishment provided for the abetment of that offence.  
\* \*\*In all other cases:\*\* The punishment shall be imprisonment of either description for a term not exceeding six months, or with fine or with both.  
  
  
\*\*Distinction from Other Sections:\*\*  
  
\* \*\*Section 107 (Abetment of a thing):\*\* Abetment involves instigating, engaging with a conspiracy, or intentionally aiding the commission of an offence. Conspiracy forms one way of abetting an offence but it's a distinct offence in itself. Abetment focuses on the individual's role in facilitating the commission of an offence, while conspiracy focuses on the agreement itself.  
\* \*\*Sections 118, 119, 120 (Concealment of Design):\*\* These sections deal with concealing the intention to commit an offence. Conspiracy involves an agreement to commit an offence, not merely concealing the intention. Concealment can be evidence of a conspiracy but is not a necessary element.  
\* \*\*Section 34 (Acts done by several persons in furtherance of common intention):\*\* Section 34 deals with the joint liability of individuals acting in furtherance of a common intention. It applies during the commission of the offence, while conspiracy is an agreement formed prior to the commission. A conspiracy can exist without any acts being done in furtherance of it, and acts done in furtherance of a common intention may not always involve a prior conspiracy.  
  
  
\*\*Conclusion:\*\*  
  
Section 120A of the IPC is a vital tool in combating organized crime by targeting the planning stage itself. It recognizes the inherent danger posed by collective criminal intent and provides a framework for prosecuting individuals involved in such agreements, even if the planned offence is never carried out. The successful prosecution of conspiracy cases often relies on circumstantial evidence and requires a meticulous investigation to uncover the agreement and establish the shared criminal intent of the conspirators. The broad scope of this section, encompassing both agreements to commit illegal acts and agreements to achieve legal acts through illegal means, provides a powerful instrument for law enforcement to disrupt criminal activities at their inception.