# IPC Section 120.2: Punishment of criminal conspiracy.

Section 120B of the Indian Penal Code (IPC), titled "Punishment of criminal conspiracy," lays down the penalties for the offence of criminal conspiracy defined under Section 120A. It outlines a tiered punishment structure, linking the severity of the penalty for the conspiracy to the gravity of the offence that is the object of the conspiracy.  
  
\*\*Detailed Breakdown of Section 120B:\*\*  
  
The punishment for criminal conspiracy is determined based on the nature of the offence that is the target of the conspiracy:  
  
1. \*\*If the offence is punishable with death, imprisonment for life, or rigorous imprisonment for a term of two years or upwards:\*\*  
  
In this scenario, the punishment for the conspiracy is the same as the punishment provided for the \*abetment\* of that offence. This linkage to the punishment for abetment recognizes that conspiracy often plays a significant role in facilitating the commission of the intended offence. Therefore, the law treats the conspirators with a severity similar to those who directly aid or instigate the commission of the crime.  
  
It is important to understand the implications of this linkage to abetment:  
  
\* \*\*Reference to Section 109:\*\* The punishment for abetment is outlined in Section 109 of the IPC. It essentially states that if the act abetted is committed in consequence of the abetment and no express provision is made for its punishment, the abettor is liable to the same punishment as the principal offender.  
\* \*\*Specific Abetment Sections:\*\* However, many offences have specific sections dealing with their abetment, which might prescribe different punishments. For example, abetment of murder (Section 109 read with Section 302) carries the same punishment as murder itself, which can be death or life imprisonment.  
  
Therefore, when determining the punishment for a conspiracy to commit an offence punishable with death, imprisonment for life, or rigorous imprisonment for two years or more, one must look not only at the punishment for the main offence but also at any specific provision for its abetment.  
  
2. \*\*If the offence is punishable with imprisonment for a term less than two years, or with fine only:\*\*  
  
In cases where the offence targeted by the conspiracy carries a relatively lighter punishment (imprisonment for less than two years or fine only), Section 120B prescribes a specific punishment for the conspiracy: imprisonment of either description for a term not exceeding six months, or with fine, or with both. This distinction reflects the principle of proportionality in sentencing, ensuring that the punishment for the conspiracy aligns with the gravity of the intended offence.  
  
\*\*Key Considerations in Sentencing under Section 120B:\*\*  
  
\* \*\*Nature of the Intended Offence:\*\* The primary factor influencing the punishment for criminal conspiracy is the nature and severity of the offence that the conspirators agreed to commit. The punishment scale for the intended offence directly impacts the potential punishment for the conspiracy.  
\* \*\*Role of the Individual Conspirator:\*\* While the agreement itself forms the basis of the offence, the court may consider the specific role and involvement of each individual conspirator during sentencing. A leading figure in the conspiracy might receive a harsher sentence compared to someone with a more peripheral role.  
\* \*\*Harm Caused or Intended:\*\* Even if the intended offence wasn't ultimately committed, the court can consider the potential harm that could have resulted had the conspiracy been successful. This is particularly relevant in cases involving serious offences like terrorism or organized crime.  
\* \*\*Mitigating and Aggravating Circumstances:\*\* As with other offences, the court can consider any mitigating or aggravating circumstances surrounding the conspiracy when determining the appropriate sentence. Factors like the accused's criminal history, motive, and the extent of their involvement can influence the final judgment.  
  
  
\*\*Distinction from Punishment for the Substantive Offence:\*\*  
  
It is crucial to differentiate between the punishment for criminal conspiracy and the punishment for the actual commission of the substantive offence. Even if the intended offence is committed, the conspirators are punished separately for the conspiracy itself, in addition to any charges related to the completed offence. This reflects the separate and distinct nature of the two offences: the agreement to commit the crime (conspiracy) and the actual commission of the crime.  
  
  
\*\*Conclusion:\*\*  
  
Section 120B of the IPC is essential for effectively addressing the problem of criminal conspiracies. Its tiered punishment structure, linking the penalty for the conspiracy to the gravity of the intended offence, ensures a proportionate and just response to the threat posed by collective criminal intent. By prescribing specific punishments for different categories of offences, it provides a clear framework for sentencing and reinforces the deterrent effect of the law. The effective application of this section requires a thorough understanding of the interplay between Section 120A (definition of criminal conspiracy) and other related provisions of the IPC, particularly those dealing with abetment and the specific offences that may be the object of the conspiracy.