# IPC Section 34: Acts done by several persons in furtherance of common intention.

## IPC Section 34: "Acts done by several persons in furtherance of common intention" - A Detailed Explanation  
  
Section 34 of the Indian Penal Code (IPC) is a crucial provision dealing with joint criminal liability. It addresses situations where multiple individuals act together with a shared criminal intent, making each person liable for the actions of the others if those actions are performed in furtherance of their common intention. This section does not define a separate offense but rather clarifies the extent of liability when individuals act in concert. Understanding this principle is fundamental for interpreting cases involving group criminal activity.  
  
\*\*The Text of Section 34:\*\*  
  
“When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.”  
  
  
\*\*Dissecting the Elements:\*\*  
  
Section 34 requires the fulfillment of three essential elements to establish joint liability:  
  
1. \*\*Criminal Act:\*\* There must be a criminal act committed. This means that the act performed by one of the individuals must be an offense under the IPC. Section 34 doesn't create an independent offense; it simply dictates how liability is shared when a criminal act is committed jointly.  
  
2. \*\*Several Persons:\*\* More than one person must be involved in the commission of the crime. This involvement doesn't necessarily mean that everyone physically participates in every act. As long as there's a shared intention and participation in some aspect of the criminal activity, Section 34 can apply.  
  
3. \*\*Common Intention:\*\* This is the most crucial element of Section 34. It refers to a shared criminal intent formed prior to or during the commission of the offence. This shared intention must exist among all the individuals held jointly liable. Mere presence at the scene of a crime or knowledge of its occurrence isn't sufficient to establish common intention.  
  
 \* \*\*Pre-meditated Common Intention:\*\* The common intention can be formed prior to the commission of the offence. For example, a group planning a robbery has a pre-meditated common intention to commit theft.  
  
 \* \*\*Spontaneous Common Intention:\*\* Common intention can also arise spontaneously during the commission of an offence. For example, during a heated argument, two individuals might spontaneously develop a common intention to assault a third person.  
  
 \* \*\*Similar Intention vs. Common Intention:\*\* It's crucial to differentiate between similar intentions and common intention. Similar intentions imply that each individual has their own independent intention, even if those intentions happen to be alike. Common intention requires a shared understanding and agreement, even if unspoken, to commit a specific criminal act.  
  
4. \*\*Act Done in Furtherance of Common Intention:\*\* The criminal act committed must be in furtherance of the common intention. This means the act must be directly related to the shared criminal objective. Acts that are incidental or unrelated to the common intention do not fall under Section 34.  
  
 \* \*\*Example:\*\* If a group has a common intention to commit robbery and one member accidentally kills a guard during the robbery, the other members can be held liable for the murder under Section 34 if the killing was done in furtherance of the robbery (e.g., to eliminate resistance). However, if the killing was unrelated to the robbery (e.g., a personal vendetta), the other members wouldn't be liable for the murder under Section 34.  
  
  
\*\*Illustrative Examples:\*\*  
  
  
\* \*\*A group of people attacks an individual with the common intention to cause grievous hurt. One of them inflicts a fatal blow:\*\* All members of the group are liable for the murder, even if only one person delivered the fatal blow, as the act was done in furtherance of their common intention to cause grievous hurt.  
  
\* \*\*Several individuals agree to rob a bank. One of them stays outside as a lookout while the others enter and steal the money:\*\* The lookout is liable for the robbery even though they didn't physically enter the bank, as their role as a lookout was essential to the furtherance of the common intention.  
  
\* \*\*Two individuals get into a fight. One of them picks up a stone and throws it, hitting a bystander and causing injury:\*\* The other individual would not be liable for the injury caused to the bystander unless they shared a common intention to assault someone.  
  
  
\*\*Distinction from Section 149:\*\*  
  
Section 34 is often confused with Section 149, which deals with unlawful assembly. While both relate to joint liability, there are key differences:  
  
\* \*\*Section 34:\*\* Focuses on the common intention of the individuals involved. It applies even if the group doesn't constitute an unlawful assembly.  
\* \*\*Section 149:\*\* Focuses on the character of the assembly being unlawful. If an assembly is deemed unlawful, every member is liable for offences committed by other members in prosecuting the common object of that unlawful assembly.  
  
  
\*\*Significance of Section 34:\*\*  
  
  
1. \*\*Joint Liability:\*\* Section 34 establishes the principle of joint criminal liability, making each participant in a shared criminal enterprise responsible for the actions of others in furtherance of their common intention.  
  
2. \*\*Deterrent to Group Crime:\*\* By holding individuals accountable for the actions of their accomplices, Section 34 serves as a deterrent against group criminal activity.  
  
3. \*\*Ensuring Justice:\*\* This provision ensures that individuals who participate in criminal activities, even if they don't physically commit every act, are held responsible for the overall consequences of their shared criminal enterprise.  
  
4. \*\*Prosecutorial Tool:\*\* Section 34 is a valuable tool for prosecutors in cases involving group crime, allowing them to hold all participants accountable, even when it's difficult to prove which individual committed a specific act.  
  
  
\*\*Conclusion:\*\*  
  
Section 34 of the IPC is a crucial provision addressing joint criminal liability. By focusing on the concept of common intention, it ensures that individuals who act in concert with a shared criminal purpose are held accountable for the actions of others in furtherance of that purpose. Understanding the elements of Section 34, especially the concept of common intention, is essential for interpreting cases involving group criminal activity and ensuring that justice is served. It provides a powerful legal tool for addressing the complexities of shared criminal enterprises and deterring individuals from participating in group crimes.