

**If in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.**

#### ILLUSTRATION

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

#### COMMENT.—

This section should be read in the light of section 100. Injury to innocent persons in the exercise of the right of defence is excusable under it.<sup>508.</sup>

1. *Shankar Narayan Bhadolkar v State of Maharashtra*, AIR 2004 SC 1966 [LNIND 2004 SC 1370] : 2004 Cr LJ 1778 : (2005) 9 SCC 71 [LNIND 2004 SC 1370] .
  2. The *Indian Evidence Act*, I of 1872, section 105.
  3. *Musammatt Anandi*, (1923) 45 All 329 ; *Babulal*, 1960 Cr LJ 437 (All).
  4. *A K Chaudhary v State of Gujarat*, 2006 Cr LJ 726 (Guj).
  5. *A K Chaudhary v State of Gujarat*, 2006 Cr LJ 726 (Guj).
- <sup>508.</sup> *State of Karnataka v Madesha*, (2007) 7 SCC 35 [LNIND 2007 SC 918] : AIR 2007 SC 2917 [LNIND 2007 SC 921] , risk of harm to an innocent person in the exercise of the right of private defence. The court examined whether the right could be available to a person who caused the death of a man who had no role to play in the dispute.

# THE INDIAN PENAL CODE

## CHAPTER V OF ABETMENT

### [s 107] Abetment of a thing.

**A person abets the doing of a thing, who—**

**First.—Instigates any person to do that thing; or**

**Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or**

**Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.**

**Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.**

#### ILLUSTRATION

A, a public officer is authorised by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

**Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.**

### COMMENTS.—

In common parlance, the word 'abet' means assistance, co-operation and encouragement and includes wrongful purpose. In *Corpus Juris Secundum*, vol I at p 306, the meaning of the word 'abet' is given as follows:

'To abet' has been defined as meaning to aid; to assist or to give aid; to command, to procure, or to counsel; to countenance; to encourage, counsel, induce, or assist; to encourage or to set another on to commit.

Used with 'aid'. The word 'abet' is generally used with the word 'aid' and similar words.

In order to bring a person abetting the doing of a thing, under any one of the clauses enumerated under section 107, it is not only necessary to prove that the person who has abetted has taken part in the steps of the transactions but also in some way or other he has been connected with those steps of the transactions which are criminal. The offence of abetment depends upon the intention of the person who abets, and not upon the act which is actually done by the person whom he abets.<sup>1</sup>

For the purposes of the first two clauses of this section it is immaterial whether the person instigated commits the offence or not or the persons conspiring together

actually carry out the object of the conspiracy.<sup>2</sup> It is only in the case of a person abetting an offence by intentionally aiding another to commit that offence that the charge of abetment against him would be expected to fail when the person alleged to have committed the offence is acquitted of that offence.<sup>3</sup> The Court noted that in *Faguna Kanta Nath v State of Assam*<sup>4</sup>, the appellant was tried for an offence under section 165A for having abetted the commission of an offence by an officer, who was acquitted, and it was held that the appellant's conviction for abetment was also not maintainable. But subsequently in *Jamuna Singh v State of Bihar*,<sup>5</sup> it was considered not desirable to hold that an abettor cannot be punished if the person actually committing the offence is acquitted. The Court said that the abettor's guilt depends upon the nature of the offence abetted and the manner of abetment. It is only in cases of intentional aiding that the abettor would have to be acquitted with the principal offender.<sup>6</sup> Following this state of the rulings the Supreme Court ordered the acquittal of the single abettor when the main offender as also all other abettors already stood acquitted.

The Supreme Court has reiterated that before anybody can be punished for abetment of suicide, it must be proved that the death in question was a suicidal death.<sup>7</sup>

The Supreme Court held that the offence of abetment is a separate and independent offence. Where the offence is committed in consequence of the abetment but there is no provision for punishment of such abetment, the abettor is to be punished along with the offender for the original offence.<sup>8</sup>

Abetment is constituted by:

- (1) instigating a person to commit an offence; or
- (2) engaging in a conspiracy to commit it; or
- (3) intentionally aiding a person to commit it.

The offence of abetment by instigation depends upon the intention of the person who abets and not upon the act which is done by the person who has abetted. The abetment may be by instigation, conspiracy or intentional aid as provided under [section 107, Indian Penal Code \(IPC\)](#), 1860. However, the words uttered in a fit of anger or omission without any intention cannot be termed as instigation.<sup>9</sup>

### **[s 107.1] *Mens rea*.—**

In order to proceed against a person for criminal offence under section 107, prosecution must prove the element of *mens rea*. Negligence or carelessness or the facilitation cannot be termed to be abetment so as to punish the guilty as per the provision of penal laws.<sup>10</sup> In order to constitute abetment, the abettor must be shown to have "intentionally" aided to commission of the crime. Mere proof, that the crime charged could not have been committed without involvement and/or interposition of the alleged abettor is not enough compliance with the requirements of section 107. It is not enough that an act on the part of the alleged abettor happens to facilitate the commission of the crime. Intentional aiding and therefore active complicity is the gist of the offence of abetment under the third paragraph of section 107.<sup>11</sup>

### **[s 107.2] Sting operation, *mens rea* and abetment.—**

In typical sting operations, though the operation is carried in the public interest, the same is generally done by instigating the accused. Hence the victim, who is otherwise innocent, is lured into committing a crime on the assurance of absolute secrecy and confidentiality of the transaction raising the potential question as to how such a victim can be held responsible for the crime which he would not have committed but for the enticement. In such circumstances, should the individual, i.e., the sting operator be held criminally liable for commission of the offence that is inherent and inseparable from the process by which commission of another offence is sought to be established? What about the operator who has *mens rea* or guilty intention to commit the offence? These are puzzling questions when there is an allegation that the sting operator is alleged to have committed the abetment of the offence. The Supreme Court in *Rajat Prasad v CBI*,<sup>12</sup> observed that a crime does not stand obliterated or extinguished merely because its commission is claimed to be in public interest. At the same time, the criminal intent (*mens rea*) behind the commission of the act will have to be established before the liability of the person charged with the commission of crime can be adjudged. The Court held that the questions whether the sting operation is a journalistic exercise and any criminal intent can be imputed are to be answered by the evidence of the parties.

**(1) Abetment by instigation.—First clause.**—A person is said to 'instigate' another to an act, when he actively suggests or stimulates him to the act by any means of language, direct or indirect, whether it takes the form of express solicitation, or of hints, insinuation or encouragement.<sup>13</sup>

#### **[s 107.3] "Instigate" Meaning.—**

Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of "instigation", though it is not necessary that actual words must be used to that effect or what constitutes "instigation" must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. Where the accused had, by his acts or omission or by a continued course of conduct, created such circumstances that the deceased was left with no other option except to commit suicide, in which case, "instigation" may have to be inferred. A word uttered in a fit of anger or emotion without intending the consequences to actually follow, cannot be said to be instigation. Thus, to constitute 'instigation', a person who instigates another has to provoke, incite, urge or encourage the doing of an act by the other by "goading" or 'urging forward'. The dictionary meaning of the word "goad" is "a thing that stimulates someone into action; provoke to action or reaction ... to keep irritating or annoying somebody until he reacts".<sup>14</sup> The word "instigate" literally means to provoke, incite, urge on or bring about by persuasion to do anything. The abetment may be by instigation, conspiracy or intentional aid as provided in the three clauses of the section.<sup>15</sup> Instigate means the active role played by a person with a view to stimulate another person to do the thing. In order to hold a person guilty of abetting it must be established that he had intentionally done something which amounted to instigating another to do a thing.<sup>16</sup> Instigation may be of an unknown person.<sup>17</sup> A mere acquiescence or permission does not amount to instigation.<sup>18</sup>

#### **[s 107.4] Wilful misrepresentation or wilful concealment.—**

Explanation 1 to this section says that a person who (1) by wilful misrepresentation, or (2) by wilful concealment of a material fact which he is bound to disclose, voluntarily

causes or procures, or attempts to cause or procure a thing to be done, is said to instigate the doing of that thing. The illustration is an example of instigation by 'wilful misrepresentation'. Instigation by 'wilful concealment' is where some duty exists which obliges a person to disclose a fact. The explanation to section 107 says that any wilful misrepresentation or wilful concealment of a material fact which he is bound to disclose, may also come within the contours of "abetment".<sup>19.</sup>

#### **[s 107.5] CASES.—Direct instigation.—**

Where, of several persons constituting an unlawful assembly, some only were armed with sticks, and A, one of them, was not so armed, but picked up a stick and used it, B (the master of A), who gave a general order to beat, was held guilty of abetting the assault made by them.<sup>20.</sup>

#### **[s 107.6] Suicide.—**

Abetment involves a mental process of instigating a person or intentionally aiding a person in doing a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained.<sup>21.</sup> Deceased committed suicide by hanging himself because of alleged illicit relationship between his wife and the accused. Accused took the wife of deceased away from the house of her brother and kept her with him for four days. There is definitely a proximity and nexus between the conduct and behaviour of the accused and wife of deceased with that of suicide committed by the deceased.<sup>22.</sup> Where a married girl committed suicide by burning herself in her in-law's house, her in-laws were held guilty of abetment because they were persistently torturing her for inadequate dowry and had gone to the extent of accusing her of illegitimate pregnancy.<sup>23.</sup> "All these tortures and taunts", Ray J said,<sup>24.</sup> "Caused depression in her mind and drove her to take the extreme step of putting an end to her life by sprinkling kerosene oil on her person and setting it afire." In another case of the same kind a husband persistently demanded more money from his wife, quarrelling with her everyday. On the fateful day when she happened to say that death would have been better than this, she heard only this in reply that her husband would feel relieved if she ended her life. Immediately thereafter she set herself on fire. The husband was held guilty of instigating her to commit suicide.<sup>25.</sup> Mere harassment of wife by husband due to differences per se does not attract [section 306](#) read with [section 107](#), [IPC](#), [1860](#).<sup>26.</sup>

Demand of loan amount by accused from deceased itself does not come within the scope of abetment as defined under section 107.<sup>27.</sup> Goading and intimidating a debtor with a view to pressurising him for repayment of the loan which brought about a suicide by the debtor immediately thereafter, was held as not amounting to abetment of suicide and, therefore, no case under section 306 read with section 34 was made out.<sup>28.</sup>

The accused told the other person "to go and die". It was held that this would not in itself satisfy the ingredients of instigation. Instigation has to be with *mens rea*. The suicide was committed two days after the quarrel between the accused and the deceased. This also showed that the suicide was not the direct result of the quarrel. The suicide note indicated that her husband was a frustrated man and given to drinking and suffered from great stress and depression.<sup>29.</sup>

The accused, a Motor Vehicle Inspector, beat up and abused a driver for not being able to produce necessary papers. The driver committed suicide. The Court said that it was not shown that he was guilty of any act of abetment within the meaning of section 107. The charge against him under section 107 was quashed.<sup>30.</sup>

### **[s 107.7] Proof.—**

In *Chitresh Kumar Chopra v State (Govt. of NCT of Delhi)*,<sup>31.</sup> the Supreme Court reiterated the legal position laid down in its earlier three judge bench judgment in the case of *Ramesh Kumar v State of Chhattisgarh*,<sup>32.</sup> and held that where the accused by his acts or continued course of conduct creates such circumstances that the deceased was left with no other option except to commit suicide, an instigation may be inferred. In order to prove that the accused abetted commission of suicide by a person, it has to be established that:

- (i) the accused kept on irritating or annoying the deceased by words, deeds or wilful omission or conduct which may even be a wilful silence until the deceased reacted or pushed or forced the deceased by his deeds, words or wilful omission or conduct to make the deceased move forward more quickly in a forward direction; and
- (ii) that the accused had the intention to provoke urge or encourage the deceased to commit suicide while acting in the manner noted above. Undoubtedly, presence of *mens rea* is the necessary concomitant of instigation.<sup>33.</sup>

### **[s 107.8] Threats.—**

Mere threats of involving the family in a false and frivolous case cannot be held to tantamount to instigation. By such threats it cannot be held that the accused instigated the deceased to commit suicide.<sup>34.</sup>

### **[s 107.9] Test.—**

No straight-jacket formula can be laid down to find out as to whether in a particular case there has been instigation which force the person to commit suicide. In a particular case, there may not be direct evidence in regard to instigation which may have direct nexus to suicide. Therefore, in such a case, an inference has to be drawn from the circumstances and it is to be determined whether circumstances had been such which in fact had created the situation that a person felt totally frustrated and committed suicide.<sup>35.</sup>

**(2) Abetment by conspiracy.—Second clause.**—'Conspiracy' consists in the agreement of two or more [persons] to do an unlawful act or to do a lawful act by unlawful means. So long as such a design rests in intention only, it is not indictable. When two agree to carry it into effect, the very plot is an act in itself, and the act of each of the parties, promise against promise, *actus contra actum*, capable of being enforced, if lawful, is punishable if for a criminal object or for the use of criminal means.<sup>36.</sup> It is not necessary that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed.<sup>37.</sup> Where parties concert together, and have a common object, the act of

one of the parties, done in furtherance of the common object and in pursuance of the concerted plan, is the act of all.<sup>38</sup>

Before the introduction of Chapter V-A, conspiracy, except in cases provided for by sections 121A, 311, 400, 401 and 402 of the Code, was a mere species of abetment when an act or an illegal omission took place in pursuance of that conspiracy, and amounted to a distinct offence for each distinct offence abetted by conspiracy.<sup>39</sup> For an offence under the second clause of this section a mere combination of persons or agreement is not enough; an act or illegal omission must take place in pursuance of the conspiracy. But for an offence under section 120A a mere agreement is enough if the agreement is to commit an offence.<sup>40</sup>

### **[s 107.10] Abetment and Conspiracy-Difference between.—**

Criminal conspiracy postulates an agreement between two or more persons to do, or cause to be done, an illegal act or an act which is not illegal, by illegal, means. It differs from other offences because mere agreement is made an offence even if no step is taken to carry out that agreement. Though there is close association of conspiracy with incitement and abetment the substantive offence of criminal conspiracy is somewhat wider in amplitude than abetment by conspiracy as contemplated under [section 107, IPC, 1860](#).<sup>41</sup> There is no analogy between [section 120B](#) and [section 109, IPC, 1860](#). There may be an element of abetment in a conspiracy, but conspiracy is something more than an abetment. Offences created by [sections 109 and 120B, IPC, 1860](#) are quite distinct and there is no warrant for limiting the prosecution to only one element of conspiracy, that is, abetment when the allegation is that what a person did was something over and above that.<sup>42</sup>

**(3) Abetment by aid.—Third clause.—By act.**—A person, it is trite, abets by aiding, when by any act done either prior to, or at the time of the commission of an act, he intends to facilitate and does in fact facilitate the commission thereof, would attract the third clause of [section 107 of the IPC, 1860](#). Doing something for the offender is not abetment. Doing something with knowledge so as to facilitate him to commit the crime or otherwise would constitute abetment.<sup>43</sup> In order to constitute abetment by aiding within the meaning of the third paragraph of [section 107, IPC, 1860](#) the abettor must be shown to have intentionally aided the commission of the crime. A person may invite another casually or for a friendly purpose and that may facilitate the murder of the invitee. But unless it is shown that the invitation was extended with a view to facilitate the commission of the murder, it cannot be said that the person extending the invitation had abetted the murder. The language used in the section is "intentionally aids" and therefore, active complicity is the gist of the offence of abetment under the third paragraph of [section 107, IPC, 1860](#).<sup>44</sup> Abetment includes instigating any person to do a thing or engaging with one or more persons in any conspiracy for the doing of a thing, if an act or illegal omission takes place in pursuance of that conspiracy and in order to the doing of that thing, or intentional aid by any act or illegal omission to the doing of that thing. On facts held, in the instant case, there was no direct evidence to establish that the appellant either aided or instigated the deceased to commit suicide or entered into any conspiracy to aid her in committing suicide.<sup>45</sup> Where the principal offender killed the victim with a knife provided by the defendant who later claimed that he thought the knife would be used only to threaten, the defendant's conviction for murder was upheld, the Court of Appeal saying that the trial judge was correct to direct the jury that the defendant could be so convicted if he contemplated that the principal offender might kill or cause serious bodily harm to the victim as part of their joint enterprise.<sup>46</sup> It is not necessary that the abettor should be present at the place of the occurrence. It is also not necessary to show that the secondary party to a conspiracy to

murder intended the victim to be killed provided it is proved that he contemplated or foresaw the event as a real or substantial risk. Mere absence from the scene of the crime cannot amount to unequivocal communication of withdrawal from the enterprise. The accused was recruited with certain others by a person to kill his wife. At a predetermined time she was taken to the agreed place and killed. The accused was not present when the killing took place. It was held that he was rightly convicted in that he had lent encouragement and assistance before the commission of the crime.<sup>47</sup>.

#### **[s 107.11] By illegal omission.—**

The definition of abetment as given in [section 107, IPC, 1860](#) not only includes instigation but also intentional aiding by an illegal omission.<sup>48</sup>. A lady advocate was attending the chamber of her senior advocate, the accused. On the day of the incident she was talking with the accused at her residence. At that moment in his presence, she poured kerosene on her and set herself on fire. The accused did nothing to save her. It was held that this did not amount to "illegal omission". He was held not guilty of abetment of suicide.<sup>49</sup>.

#### **[s 107.12] Abetment of offences under other laws.—**

The offence of aiding and abetting is applicable to all statutory offences unless specifically excluded by statute and accordingly it was held to apply to offences created by the [English] Public Order Act, 1986.<sup>50</sup>. An abetment of an offence under the [Prevention of Corruption Act, 1988](#) can be made by a non-public servant. Abettors are to be prosecuted through trial under the [Prevention of Corruption Act](#).<sup>51</sup>.

#### **[s 107.13] CASES.—By act.—Presence at bigamous marriage.—**

Mere presence at the scene of a bigamous marriage without any evidence of instigation aiding or conspiring would not amount to abetment.<sup>52</sup>. Where the accused held the *antarpāt* (screen) during the performance of a marriage which he knew was a void marriage under section 494, it was held that his act amounted to an act of intentional aid and fell within the purview of the explanation.<sup>53</sup>.

#### **[s 107.14] Presence at exhibition of blue film.—**

While entering into the parlour the accused was not aware of the type of film under exhibition. Immediately after his entry, the police raided the parlour and charge-sheeted him as an abettor of offences under sections 292, 293 and 294 because blue films were under exhibition. Following the Supreme Court decision in *Shri Ram v State of UP*,<sup>54</sup> the Court held that something more must be shown than mere presence.

#### **[s 107.15] Rape-Abetment.—**

In a case of custodial rape, husband and wife, taken into police custody, were kept in separate rooms. The wife was raped by the head constable while the accused



constable kept watch over the husband and did nothing hearing the shrieks of the victim wife. Conviction of the accused constable for abetting commission of rape was upheld.<sup>55</sup>

### **[s 107.16] Humiliation.—**

The accused persons caused constant humiliation to the deceased by accusing him of theft of things belonging to relatives at a marriage occasion. He committed suicide after returning from marriage. The humiliation caused by the accused was held to be not such as to amount to instigation which could have induced the deceased to commit suicide.<sup>56</sup>

### **[s 107.17] Attempt.—**

Merely because the section opens with the words "if any person commits suicide" it cannot be held that in a case of unsuccessful suicide there is no attempt to abet the commission of suicide. Suicide and its attempt on the one hand and abetment of commission of suicide and its attempt on the other are treated differently by law and therefore, the one who abets the commission of an unsuccessful attempt to commit suicide cannot be held to be punishable merely under [section 309](#) read with [section 116, IPC, 1860](#). To implement the scheme of law he has got to be held to be punishable under [section 306](#) read with [section 511, IPC, 1860](#). The Supreme Court has never laid down in *Satvir Singh*<sup>57</sup> that under no circumstance an offence under [section 306](#) read with [section 511, IPC, 1860](#) can be committed. The Supreme Court did not have occasion to consider whether a conviction for an offence of attempt to abet the commission of suicide is punishable under [section 306](#) read with [section 511, IPC, 1860](#).<sup>58</sup>

1. *Kartar Singh v State of Punjab*, (1994) 3 SCC 569 : 1994 Cr LJ 3139 : (1994) 1 SCC (Cr) 899.
2. *Faguna Kanto*, 1959 Cr LJ 917 : AIR 1959 SC 673 [LNIND 1959 SC 2] .
3. *Jamuna Singh v State of Bihar*, AIR 1967 SC 553 [LNIND 1966 SC 202] : 1967 Cr LJ 541 .
4. *Faguna Kanta Nath v State of Assam*, AIR 1959 SC 673 [LNIND 1959 SC 2] : 1959 Supp 2 SCR 1 : 1959 Cr LJ 917 .
5. *Jamuna Singh v State of Bihar*, AIR 1967 SC 553 [LNIND 1966 SC 202] : 1967 Cr LJ 541 .
6. Citing *Madan Raj Bhandari v State of Rajasthan*, AIR 1970 SC 436 [LNIND 1969 SC 230] : 1970 Cr LJ 519 where the abettor of inducing miscarriage was acquitted when the person causing miscarriage was acquitted. In *Ex-Sepoy Haradhan Chakrabarty v UOI*, AIR 1990 SC 1210 [LNIND 1990 SC 57] : (1990) 2 SCC 143 [LNIND 1990 SC 57] , it was held that abetment fails when substantive offence is not established against the principal offender.
7. *Wazir Chand v State of Haryana*, AIR 1989 SC 378 [LNIND 1988 SC 569] : 1989 Cr LJ 809 : (1989) 1 SCC 244 [LNIND 1988 SC 569] .

8. *Kishori Lal v State of MP*, (2007) 10 SCC 797 [LNIND 2007 SC 800] : AIR 2007 SC 2457 [LNIND 2007 SC 800] : (2007) 3 Ker LT 259 .
9. *State of Punjab v Iqbal Singh*, AIR 1991 SC 1532 [LNIND 1991 SC 279] ; *Surender v State of Hayana*, (2006) 12 SCC 375 [LNIND 2006 SC 1015] ; *Kishori Lal v State of MP*, AIR 2007 SC 2457 [LNIND 2007 SC 800] ; and *Sonti Rama Krishna v Sonti Shanti Sree*, AIR 2009 SC 923 [LNIND 2008 SC 2319] .
10. *B Ammu v State of TN*, 2009 Cr LJ 866 (Mad); *Chitresh Kumar Chopra v State (Government of NCT of Delhi)*, AIR 2010 SC 1446 [LNIND 2009 SC 1663] .
11. *Shri Ram v State of UP*, AIR 1975 SC 175 [LNIND 1974 SC 349] : 1975 Cr LJ 240 (SC) quoted in *Jasobant Narayan Mohapatra v State of Orissa*, 2009 Cr LJ 1043 (Ori); *Benupani Behera v State*, 1992 (1) Ori LR 571 .
12. *Rajat Prasad v CBI*, 2014 Cr LJ 2941 : 2014 (5) Scale 574 [LNIND 2014 SC 467] .
13. *Amiruddin*, (1922) 24 Bom LR 534 [LNIND 1922 BOM 98] , 542.
14. *Chitresh Kumar Chopra v State (Government of NCT of Delhi)*, AIR 2010 SC 1446 [LNIND 2009 SC 1663] ; *Kishangiri Mangalgiri Goswami v State of Gujarat*, (2009) 4 SCC 52 [LNIND 2009 SC 193] : (2009) 1 SCR 672 [LNIND 2009 SC 193] : AIR 2009 SC 1808 2009 Cr LJ 1720.
15. *Goura Venkata Reddy v State of AP*, (2003) 12 SCC 469 [LNIND 2003 SC 1004] .
16. *Rajib Neog v State of Assam*, 2011 Cr LJ 399 (Gau).
17. *Ganesh D Savarkar*, (1909) 12 Bom LR 105 .
18. *Ram Singh v State*, 1997 Cr LJ 1406 (P&H), the complainant (wife) alleged that her in-laws incited her husband to marry over again. There was no evidence to show that they negotiated or arranged the second marriage, nor of their presence at the time of performance of second marriage. Complaint quashed. See also *Darbar Singh v State of Chhattisgarh*, 2013 Cr LJ 1612 (Chh).
19. *Netai Dutta v State of WB*, AIR 2005 SC 1775 [LNIND 2005 SC 208] : (2005) 2 SCC 659 [LNIND 2005 SC 208] ; *Amit Kapoor v Ramesh Chander*, JT 2012 (9) SC 312 [LNIND 2012 SC 564] : 2012 (9) Scale 58 [LNIND 2012 SC 564] : (2012) 9 SCC 460 [LNIND 2012 SC 564] .
20. *Rasookoollah*, (1869) 12 WR (Cr) 51. Where the accused had instigated three persons to commit murder, his conviction under sections 307/109 was upheld. *Hemant Kumar Mondal v State of WB*, 1993 Cr LJ 82 (Cal).
21. *M Mohan v State*, Represented by the Deputy Superintendent of Police, (2011) 3 SCC 626 [LNIND 2011 SC 246] : 2011 (3) Scale 78 [LNIND 2011 SC 246] : AIR 2011 SC 1238 [LNIND 2011 SC 246] : 2011 Cr LJ 1900 ; *Amalendu Pal v State of WB*, (2010) 1 SCC 707 [LNIND 2009 SC 1978] ; *Rakesh Kumar v State of Chhattisgarh*, (2001) 9 SCC 618 [LNIND 2001 SC 2368] , *Gangula Mohan Reddy v State of AP*, (2010) 1 SCC 750 [LNIND 2010 SC 3] ; *Thanu Ram v State of MP*, 2010 (10) Scale 557 [LNIND 2010 SC 962] : (2010) 10 SCC 353 [LNIND 2010 SC 962] : (2010) 3 SCC (Cr) 1502; *SS Chheena v Vijay Kumar Mahajan*, (2010) 12 SCC 190 [LNIND 2010 SC 746] : (2010 AIR SCW 4938); *Sohan Raj Sharma v State of Haryana*, AIR 2008 SC 2108 [LNIND 2008 SC 845] : (2008) 11 SCC 215 [LNIND 2008 SC 845] .
22. *Dammu Sreenu v State of AP*, AIR 2009 SC 3728 : (2009) 14 SCC 249 [LNIND 2009 SC 1356] .
23. *Gurbachan Singh v Satpal Singh*, (1990) 1 SCC 445 [LNIND 1989 SC 475] : AIR 1990 SC 209 [LNIND 1989 SC 475] : 1990 Cr LJ 562 .
24. *Ibid*, (1990) 1 SCC 445 [LNIND 1989 SC 475] at p 458 : AIR 1990 SC 209 [LNIND 1989 SC 475] : 1990 Cr LJ 562 .
25. *Brijlal v Prem Chand*, AIR 1989 SC 1661 [LNIND 1989 SC 243] : (1989) Supp 2 SCC 680. But where there was no evidence of dowry demands, self immolation by the married woman within