an unlawful assembly for acts done in prosecution of the common object of that assembly or for such offences as the members of the unlawful assembly knew to be likely to be committed in prosecution of that object.[82.] However, Benches of a smaller strength in some cases[83.] have observed that section 149 creates a specific and distinct offence. Thus the law declared therein by the Benches of a smaller strength cannot be taken as correct legal position.[84.] This section creates a specific and distinct offence.[85.] It is not the intention of the legislature in enacting section 149 to render every member of unlawful assembly liable to punishment for every offence committed by one or more of its members. In order to attract section 149, it must be shown that the incriminating act was done to accomplish the common object of unlawful assembly and it must be within the knowledge of other members as one likely to be committed in prosecution of the common object.[86.] A plain reading of the section shows that the provision is in two parts. The first part deals with cases in which an offence is committed by any member of the assembly "in prosecution of the common object" of that assembly. The second part deals with cases where the commission of a given offence is not by itself the common object of the unlawful assembly but members of such assembly 'knew that the same is likely to be committed in prosecution of the common object of the assembly'.[87.] This section makes both the categories of persons, those who have committed the offence as also those who were members of the same assembly liable for the offences under section 149, IPC, 1860, provided the other requirements of the section are satisfied. That is to say, if an offence is committed by any person of an unlawful assembly, which the members of that assembly knew to be likely to be committed, every member of such an assembly is guilty of the offence. The law is clear that membership of unlawful assembly is sufficient to hold such participating members vicariously liable. For mulcting liability on the members of an unlawful assembly under section 149, it is not necessary that every member of the unlawful assembly should commit the offence in prosecution of the common object of the assembly. Mere knowledge of the likelihood of commission of such an offence by the members of the assembly is sufficient.[88.] Whenever the court convicts any person or persons of any offence with the aid of section 149, a clear finding regarding the common object of the assembly must be given and the evidence disclosed must show not only the nature of the common object but also that the object was unlawful. If members of the assembly knew or were aware of the likelihood of a particular offence being committed in prosecution of a common object, they would be liable for the same under section 149.[89.] In the absence of such finding as also any overt act on the part of the accused persons, mere fact that they were armed would not be sufficient to prove common object.[90.] Where the moot question as to common objective is proved all the members of unlawful assembly would be vicariously liable for the acts done by the said assembly and thus the separate roles played by all the accused persons need not be examined.[91.] Section 149 makes it abundantly clear that if an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence is a member of such an assembly, is guilty of that offence, however if a person is a mere bystander, and no specific role is attributed to him, he may not come under the wide sweep contemplated under section 149.[92.] Further where the member had no knowledge of the unlawful object of the assembly or after having gained knowledge, he attempted to prevent the assembly from accomplishing the unlawful object, and after having failed to do so, he disassociated himself from the assembly, the mere participation of him in such an assembly would not be made him liable.[93.]

The section constitutes a substantive offence.[94.]

The Supreme Court reiterated the ambit and scope of this principle of liability as follows:

> Section 149 IPC provides for vicarious liability. If an offence is committed by any member of an unlawful assembly in prosecution of a common object thereof or such as the members of that assembly knew that the offence was likely to be committed in prosecution of that object, every person who at the time of committing that offence was member would be guilty of the offence committed. The common object may be commission of one offence while there may be likelihood of commission of yet another offence, the knowledge whereof is capable of being safely attributable to the members of the unlawful assembly. Whether a member of such unlawful assembly was aware as regards likelihood of commission of another offence or not would depend upon the facts and circumstances of each case. Background of the incident, the motive, the nature of the assembly, the nature of the arms carried by the members of the assembly, their common object and the behaviour of the members soon before, at or after the actual commission of the crime would be relevant factors for drawing an inference in that behalf."[95.] "Common object" means the purpose or design shared by all the members which may be formed at any stage. It has to be ascertained from the acts and conduct of the individuals concerned and surrounding circumstances.[96.] Common object to commit a murder cannot be inferred only on the basis that the weapons carried by the accused were dangerous.[97.]

[s 149.1] Ingredients.—

The section has the following essentials—

1. There must be an unlawful assembly.

2. Commission of an offence by any member of an unlawful assembly.

3. Such offence must have been committed in prosecution of the common object of the assembly; or must be such as the members of the assembly knew to be likely to be committed. If these three elements are satisfied, then only a conviction under section 149, IPC, 1860, may be substantiated, and not otherwise.[98.] Section 149 shall not apply to a person who is merely present in any unlawful assembly, unless he actively participates in offence or does some overt act with the necessary criminal intention or shares the common object of the unlawful assembly.[99.]

[s 149.2] Sudden action of one of the member in the assembly; all are not liable:

To the question whether the sudden action of one of the members of the unlawful assembly constitutes an act in prosecution of the common object of the unlawful assembly namely preventing of erection of the fence in question and whether the members of the unlawful assembly knew that such an offence was likely to be committed by any member of the assembly Supreme Court answered in the negative.[100.] As a consequence, the effect of section 149 of IPC, 1860, may be different on different members of the same unlawful assembly. Decisions of the Supreme Court in *Gangadhar Behera v State of Orissa* and *Bishnaalias BhiswadebMahato v State of WB*,[101.] similarly explained and reiterated the legal position on the subject.

[s 149.3] Sections 34 and 149.—

There is a difference between object and intention, for though their object is common, the intention of the several members may differ and indeed may be similar only in respect that they are all unlawful, while the element of participation in action, which is the leading feature of section 34, is replaced in section 149 by membership of the

assembly at the time of the committing of the offence. Both sections deal with combinations of persons, who become punishable as sharers in an offence. Thus they have a certain resemblance and may to some extent overlap, but section 149 cannot at any rate relegate section 34 to the position of dealing only with joint action by the commission of identically similar criminal acts, a kind of case which is not in itself deserving of separate treatment at all".[102.] Section 34 of IPC, 1860 refers to cases in which several persons both do an act and intend to do that act: it does not refer to cases where several persons intend to do an act and some one or more of them do an entirely different act. In the latter class of cases section 149 of the Code may be applicable but section 34 is not.[103.] On the other hand, if five or more persons both do an act and intend to do it, both section 34 and section 149, may apply, since the term "member" in the singular includes the plural also (section 9). In this connection see detailed discussion and cases under sub-head "Distinction between section 34 and section 149, IPC, 1860," under section 34 *ante*.

[s 149.4] Scope.—

This section is not intended to subject a member of an unlawful assembly to punishment for every offence which is committed by one of its members during the time they are engaged in the prosecution of the common object. It is divided into two parts: (1) an offence committed by a member of an unlawful assembly in prosecution of the common object of that assembly; and (2) an offence such as the members of that assembly knew to be likely to be committed in prosecution of the common object of the unlawful assembly, is one which the accused knew would be likely to be committed in prosecution of the common object.[104.] The section applies equally in cases where offences are committed by single member of the assembly and in cases where offences are committed by two or more members of the assembly acting in furtherance of a common intention.[105.]

Once the Court can find that an offence has been committed by some member or members of an unlawful assembly in prosecution of the common object, then whether the principal offender has been convicted for that offence or not, upon the plain wording of this section, the other members may be constructively convicted of that offence, provided they are found to have had the necessary intention or knowledge. It is not correct to say that when a member of an unlawful assembly is to be found constructively guilty of an offence under this section, it must be the same offence of which the principal is convicted and not some other offence.[106.]

Members of an unlawful assembly may have a community of object only up to a certain point, beyond which they may differ in their objects, and the knowledge possessed by each member of what is likely to be committed in prosecution of their common object will vary, not only according to the information at his command, but also according to the extent to which he shares the community of object, and as a consequence of this the effect of this section may be different on different members of the same unlawful assembly.[107.]

Before this section can be called in aid, the Court must find with 'certainty' that there were at least five persons sharing the common object. A finding that three of them 'may or may not have been there' betrays uncertainty on this vital point and it consequently becomes impossible to allow the conviction to rest on this uncertain foundation. This is not to say that five persons must always be convicted before this section can be applied. It is possible in some cases for Judges to conclude that though five were unquestionably there the identity of one or more is in doubt. In that case, the conviction of the rest with the aid of this section would be good.[108.] Non-applicability

of section 149, IPC, 1860, is no bar in convicting the accused persons under section 302, IPC read with section 34 of IPC, if the evidence discloses commission of offence in furtherance of common intention of them all. It would depend on the facts of each case as to whether section 34 or section 149 of IPC or both the provisions are attracted.[109.] Where the accused, forming an unlawful assembly, chased and killed a man by inflicting multiple injuries on his body with sharp edged weapons, it was held that circumstances and transaction taken as a whole were sufficient to invoke section 34 or section 149.[110.]

No judgment can be cited as a precedent however similar the facts may be. Each case must rest on its own facts.[111.]

The persons acting in self-defence of property cannot be members of an unlawful assembly.[112.]

1. 'In prosecution of the common object'.—The expression "in prosecution of common object" has to be strictly construed as equivalent to "in order to attain the common object". There must be community of object and the object may exist only up to a particular stage, and not thereafter. Members of an unlawful assembly may have community of object up to certain point beyond which they may differ in their objects and the knowledge, possessed by each member of what is likely to be committed in prosecution of their common object may vary not only according to the information at his command, but also according to the extent to which he shares the community of object, and as a consequence of this the effect of section 149, IPC, 1860, may be different on different members of the same assembly.[113.] The word "knew" as used in the second branch of section 149 implied something more than "possibility" and it cannot bear the sense of "might have known". An offence committed in prosecution of common object would generally be the offence which the members of the assembly knew was likely to be committed.[114.] This phrase means that the offence committed was *immediately* connected with the common object of the unlawful assembly, of which the accused were members. The act must be one which must have been done with a view to accomplish the common object attributed to the members of the unlawful assembly. Where the common object is established, the unlawful assembly does not cease to be so by merely splitting itself into two groups for launching the attack. Section 149, IPC, 1860, would be clearly applicable to such a case.[115.]

The words "in prosecution of the common object" do not mean "during the prosecution of the common object of the assembly". It means that the offence committed was immediately connected with the common object of the assembly or the act is one which upon the evidence appears to have been done with a view to accomplish the common object attributed to the members of the assembly. The words "in prosecution of the common object" have to be strictly construed as equivalent to "in order to attain common object".[116.] In the present case,[117.] the common object of unlawful assembly was to kill a particular person. Two members of the assembly went after him. Sensing danger, he ran into the adjoining room to fetch a spear to defend himself. His wife blocked his way and he could not come out. Frustrated, as they were, the two members of the assembly gunned down two young girls of their intended victim who were then playing in the courtyard outside the house. The conviction of the rest of the members for this murder was set aside as this was neither their common object, nor incidental to that, nor necessary for its attainment.

Vicarious responsibility can be fastened only on proof that the ultimate act was done in pursuance of common object.[118.]

Even where the common object is not developed at the initial stage, it may develop on the spot, *eoinstanti*. Thus, where it appeared that members of a party divided

themselves into small groups and waited for the victim and simultaneously pounced upon him and jointly removed his body, the fact that they did not assemble at one place under any plan, but came there separately, was considered by the Supreme Court to be not of much importance because at the sensitive moment they seemed to be acting in an organised way.[119.] Where, however, the agreement specifically was only to give a thrashing to the victim, but one of them pulled out a knife and stabbed the victim, it was held that neither at the initial stage nor at the execution stage, could it be said that there was the object to cause a fatal injury so as to make all others liable for the death.[120.]

[s 149.5] Change of object.—

Members who shared the original common intention may not be liable when some members adopted a subsequently developed and aggravated common object and acted on it.[121.]

[s 149.6] CASES.—Prosecution of common object.—

While membership of an unlawful assembly itself is an offence under section 143, IPC, 1860, use of force by members of the unlawful assembly gives rise to the offence of rioting which is punishable either under section 147 or section 148, IPC. Membership of the 4 accused in the unlawful assembly and use of force with dangerous weapons is borne out by the evidence on record. The said facts would make the acquitted accused liable for the offence under section 148 of IPC, 1860.[122.] Where a small compact body of men armed with clubs, and headed by a man carrying a gun, endeavoured to take forcible possession of certain lands, and one of the opponents was shot by their leader, it was held that they were guilty of murder.[123.]

Where in a faction- ridden village the members of one party seeing someone of the other party alighting from a bus emerged together to attack him, it could be easily said that they shared the common object to assault one of their enemies and at that stage the assembly turned into an unlawful assembly.[124.] Where several persons assaulted and caused injuries to the deceased, however except one incised injury on the head, all were lacerated injuries on legs, common object of the unlawful assembly was held to cause grievous hurt and not murder and conviction of the accused was altered from sections 302/ 149 to sections 326/149.[125.] Where the accused, being members of an unlawful assembly and being armed with sharp edged weapons, used only the blunt sides of their weapons, they were held to share the common object of causing grievous hurt and not murder.[57] Accused persons variously armed entered a police wireless station after breaking open doors and windows and assaulted inmates. Their individual acts were not known. It was held that all the accused persons must be deemed to have shared the common object of lurking house trespass and could be convicted under sections 149/455.[126.] Where two innocent young girls were killed in a very gruesome manner just only to teach a lesson to their mother over a property dispute, every member of the killing team was held to be equally guilty deserving the maximum penalty of death, it being a case of the "rarest of rare" category.[127.] Where the death of a police officer was caused while he was arresting the accused and those who caught hold of him intended only to prevent him from performing his duty, but the main accused suddenly killed him, it was held that the common object of the unlawful assembly was to deter police from performing their duty and not to commit murder. Their conviction was altered from one under sections 302/149 to one under section

353/149.[128.] Several persons entered into a conspiracy to commit dacoity during the course of which one of the accused fired a shot which missed the target and hit one of his accomplices who died. The other accused fired a shot and killed one of the inmates of the house. The accused killing the inmate was convicted under sections 302 and 398. The three others were punished under section 398/149, their common object being dacoity and not murder.[129.]

The accused persons were armed with *lathis* and guns. They declared on entry into the threshing floor mill that they had come to take away the paddy and, if the owner resisted, they would take life out of him. In these circumstances they caused death. s conviction under section 300 read with section 149 was held to be not illegal.[130.]

There is no requirement for conviction under the section of assigning definite roles to the accused persons.[131.]

[s 149.7] Identification of all the five not necessary.—

The section does not require that all the five persons must be identified. Presence of five persons is required to be established with the common object of doing an act. The fact that all of them could not be identified would not affect the application of the section. The eye-witnesses identified only four of them but testified that others were present with weapons at the time and place of occurrence.

[s 149.8] Unlawful assembly and the right of private defence.—

As long as the accused persons exercised their right of private defence, their assembly could not be described as unlawful. But only those accused persons who shared the object of doing something in excess of the right of private defence were liable to conviction with the help of section 149.[132.] Where the accused persons were acting in the exercise of the right of private defence, the Supreme Court said that they could not be said to have constituted an unlawful assembly. Only one of them caused an injury after the right of private defence had ceased to be available to them. They could not be convicted under section 148 with the aid of section 149.[133.]

[s 149.9] Overt act on the part of each and every member not necessary.—

The presence of the accused as a part of the unlawful assembly is sufficient for his conviction. The fact that the accused was present at the place of occurrence as a part of the unlawful assembly was not disputed. That was held to be sufficient to hold him guilty even if no *overt act* was attributed to him.[134.] This principle may not apply where the presence is such that merely by its reason the person concerned does not become a member of the assembly. This happened in a case in which the names of only 4 persons were mentioned in the complaint. Five other persons were not mentioned because they kept standing at the back without any participation in the incident. But they were also roped in under section 149. The Supreme Court held that they could not be regarded as members of the assembly. Their conviction was impermissible.[135.] Once a membership of an unlawful assembly is established it is not incumbent on the prosecution to establish whether any specific overt act has been assigned to any accused. Mere membership of the unlawful assembly is sufficient and every member is vicariously liable for the acts done by others either in the prosecution of the common

object of the unlawful assembly or such as the members of the unlawful assembly knew were likely to be committed.[136.]

[s 149.10] Inference of common object.—

The common object of the unlawful assembly has to be inferred from the membership, the weapons used and the nature of the injuries as well as other surrounding circumstances. Intention of members of unlawful assembly can be gathered by nature, number and location of injuries inflicted. In the instant case, repeated gun shots fired by one of accused person on the person of deceased and the injuries caused by lathis by other accused persons on the complainant and his second brother on their heads, clearly demonstrate the objective to cause murder of these persons.[137.] Common object to commit a murder cannot be inferred only on the basis that the weapons carried by the accused were dangerous.[138.] The common object of assembly is normally to be gathered from the circumstances of each case such as the time and place of the gathering of the assembly, the conduct of the gathering as distinguished from the conduct of the individual members are indicative of the common object of the gathering. Assessing the common object of an assembly only on the basis of the overt acts committed by such individual members of the assembly is impermissible.[139.]

[s 149.11] Identification of common object.—

The identification of the common object essentially requires an assessment of the state of mind of the members of the unlawful assembly. Proof of such mental condition is normally established by inferential logic. If a large number of people gather at a public place at the dead of night armed with deadly weapons like axes and fire arms and attack another person or group of persons, any member of the attacking group would have to be a moron in intelligence if he did not know murder would be a likely consequence.[140.]

[s 149.12] No common object.—

A large body of men belonging to one faction waylaid another body of men belonging to a second faction, and a fight ensued, in the course of which a member of the first mentioned faction was wounded and retired to the side of the road, taking no further active part in the affray. After his retirement a member of the second faction was killed. It was held that the wounded man had ceased to be a member of the unlawful assembly when he retired wounded, and that he could not, under this section, be made liable for the subsequent murder.[141.] Where the accused persons rushed to the house of K with a view to injure K or inmates of his house but one of the accused attacked M, a woman working in the house causing grievous injuries to her, the other accused persons could not be held vicariously liable with the help of section 149, IPC, 1860, as it was not their common object nor had they any animus against M.[142.] An unlawful assembly of 50 persons was alleged to have caused two deaths. There were no specific allegations against some of them, or that any criminal act was done by them in furtherance of common intention. It was held that they could not be convicted with the aid of either section 34 or section 149.[143.] When an accused leaves the place of occurrence and thus ceases to be a member of the unlawful assembly, he cannot be convicted vicariously with the aid of section 149, IPC, for the murder which is committed subsequent to his leaving the scene of crime.[144.] Where one member fired

on being supplied with a bullet by another only the member supplying the bullet was held liable under section 302/149 and others were convicted only under section 325/194, IPC.[145.] After a heated exchange of words, the accused went home and came back with a gun accompanied by others who also armed and immediately opened fire at the victim causing his death. Others did not fire at the victim. They fired indiscriminately at others injuring some people. Things happened in a very short span of time. It was held that the others could not have formed an unlawful assembly with the main accused with a common object. The main culprit alone was convicted of murder.[146.] Where people collected outside a police-station to voice their protest over police- inaction in connection with the murder of a child, such an assembly could not possibly have any common object to commit criminal trespass, arson, looting, etc., and as such none could be convicted with the aid of section 149, IPC, 1860.[147.] All the accused, armed only with *lathis,* caused multiple injuries to a man who died. All the injuries caused were simple in nature and were on non-vital parts of the body of the deceased, it could not be said that their common object was to kill the deceased. They were held liable to be convicted under section 304, Part II/149 and not under section 302/149.[148.]

Where the common object of an unlawful assembly was to cause hurt to prosecution witnesses, and the daughter of a witness who came out from inside the house only to save her father sustained an injury at the hands of one of the accused and died, it was held that there could be no common object in the circumstances to commit murder. They were held to be guilty under section 323 read with section 149.[149.]

[s 149.13] Unlawful assembly and single witness.—

In a case involving an unlawful assembly with a large number of persons, there is no rule of law that states that there cannot be any conviction on the testimony of sole eyewitness unless that the court is of the view that testimony of such eye witness is not reliable. The rule of requirement of more than one witness applies only in a case where a witness deposes in a general and vague manner or in the case of a riot.[150.]

Direct evidence is generally not available. The existence of common object has to be gathered from the act committed and results flowing from them.[151.]

[s 149.14] Conviction for section 302 *simpliciter*, when the charge was for section 302 read with section 149 of IPC, 1860:

The Supreme Court in *Nanak Chand v State of Punjab*,[152.] considered the question whether there could be a conviction for the offence under section 302 *simpliciter*, when the charge was for the offence under section 302 read with section 149 of IPC. It was held that when there is no separate charge for the offence under section 302 *simpliciter* and charge is only for the offence under section 302 read with 149, the conviction for the offence under section 302 *simpliciter* is not sustainable. In *Suraj Pal v State of UP*,[153.] 19 accused were tried for the offences under sections 148, 307 and 302 read with section 149 of IPC. Sessions Court convicted all the accused. In appeal to the High Court, ten accused were acquitted. Conviction and sentence of one accused was affirmed for the offence under sections 148, 307 and 302. Holding that absence of specific charges against the appellant under sections 307 and section 302, IPC in respect of which he was sentenced is a very serious lacuna as framing of a specific and distinct charge in respect of every distinct head of criminal liability constituting an offence is the foundation for a conviction and sentence. The question was referred to

the Five Judge Constitution Bench, to determine whether there was a conflict of view between *Nanak Chand's* case (*supra*) and *Suraj Pal's* case (*supra*) and if so to determine it in *Willie Slaney v State of Madhya Pradesh*.[154.] The Constitution Bench held that there was no conflict of views in the two decisions. It was held that the observations in *Nanak Chand* (*supra*), have to be appreciated on close examination of facts. Their Lordships considered the effect of a charge for constructive liability and its difference with a charge for the offence *simpliciter* and held that there was no prejudice and that the conviction is not invalid because of the nature of the charge. A three Judge Bench in *Subran v State*,[155.] held that when the charge is under section 302 read with section 149 of IPC, without a specific charge having been framed for the offence under section 302 of IPC, as envisaged in law, an accused cannot be convicted for the substantive offence under section 302 of IPC, their Lordships did not consider the Constitution Bench decision in *Willie Slaney's case* (*supra*). Later in the review judgment, *Subran v State,* 1993 (3) SCC 722 , their lordships reviewed the same as follows:

> On a review of the judgment, we find that the opinion expressed is capable of being misinterpreted. The opinion expressed therein was required to be confined to the peculiar facts of the case, but it tends to give an impression as if it is a general exposition of law, which it was not meant to be.

The legal position in the light of the Constitution Bench decision in *Willie Slaney*[156.] is clear. If the charge framed discloses the overt act committed by a particular accused, though the charge is for the offence under section 302 read with section 149 of IPC, 1860, and the accused faced trial with the knowledge that the prosecution case is that he committed the particular overt act which caused the death, non-framing of a distinct charge for the offence under section 302 will not cause prejudice to the accused, even though the charge framed was under section 302 read with section 149, IPC. In such a case, even though the charge is for the offence under section 302 read with section 149 of IPC and there is not even an alternate charge for the offence under section 302 *simpliciter,* when the charge discloses the overt act by a particular accused which caused the death of the victim, if the evidence establishes that, that particular accused inflicted that particular injury which caused the death, he could definitely be convicted for the offence under section 302 *simpliciter*. Even though there is no specific charge for section 302 *simpliciter* and the charge is for the offence under section 302 read with 149 of IPC, there could be a conviction under section 302 *simpliciter*.

[s 149.15] Where no charge framed as substantive offence with aid of either section 34 and section 149.—

Where participation of all the ten accused in the alleged assault on the deceased has been proved by the evidence of witnesses, but no charge insofar as the substantive offence under section 302, IPC, 1860, or under section 307, IPC with the aid of either section 34, IPC and section 149, IPC had been framed and also the evidence on record is not sufficient to attribute any specific injury suffered by the deceased to any particular accused, acquittal of the accused of the offences under section 302, IPC or under section 307, IPC is perfectly justified.[157.]

[s 149.16] Free fight and overt act.—

It has been held by the Supreme Court that in a case involving free fight, a conviction by resorting to section 149 is not permissible. No particular accused person can be convicted under section 149 unless it can be shown that he caused injuries.[158.]

[s 149.17] Sentencing.—

The presence of the appellant accused and their participation in the incidence was established. Their conviction under section 326 read with sections 149, 148 was confirmed. But considering their age and the fact that their participation in the incident was minimal, the sentence of six years R1 was reduced to two years R1, confirming the sentence of one year under section 148.[159.]

[s 149.18] Group rivalries.—

In the case of group rivalries and enmities, there is a general tendency to rope in as many persons as possible as having participated in the assault. In such situations, the courts are called upon to be very cautious and sift the evidence with care. Where after a close scrutiny of the evidence, a reasonable doubt arises in the mind of the court with regard to the participation of any of those who have been roped in, the court would be obliged to give the benefit of doubt to them.[160.] However, when there are eyewitnesses including injured witness who fully support the prosecution case and proved the roles of different accused, prosecution case cannot be negated only on the ground that it was a case of group rivalry. Group rivalry is double edged sword.[161.]

[s 149.19] Inference from dangerous weapon.–

Common object to commit a murder cannot be inferred only on the basis that the weapons carried by the accused were dangerous.[162.]

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82. *Vinubhai Ranchhodbhai Patel v Rajivbhai Dudabhai Patel,* AIR 2018 SC 2472 [LNIND 2018 SC 300] .

83. *Sheo Mahadeo Singh v State of Bihar,* (1970) 3 SCC 46 ; *Lalji v State of UP,* 1989 (1) SCC 437 [LNIND 1989 SC 26] ; *Lakhan Mahto,* AIR 1966 SC 1742 [LNIND 1966 SC 61] .

84. *Vinubhai Ranchhodbhai Patel v Rajivbhai Dudabhai Patel,* AIR 2018 SC 2472 [LNIND 2018 SC 300] .

85. *Lakhan Mahto*, AIR 1966 SC 1742 [LNIND 1966 SC 61] : 1966 Cr LJ 1349 .

86. *Kuldip Yadav v State of Bihar,* 2011 (5) SCC 324 [LNIND 2011 SC 403] : AIR 2011 SC 1736 [LNIND 2011 SC 403] : 2011 Cr LJ 2640 : (2011) 2 SCC (Cr) 632.

87. *Roy Fernandes v State of Goa,* (2012) 3 SCC 221 [LNIND 2012 SC 86] : 2012 Cr LJ 1542 .

88. *Vinubhai Ranchhodbhai Patel v Rajivbhai Dudabhai Patel,* AIR 2018 SC 2472 [LNIND 2018 SC 300] .

89. *Waman v State of Maharashtra,* (2011) 7 SCC 295 [LNIND 2011 SC 564] : AIR 2011 (SCW) 4973 : 2011 Cr LJ 4827 : AIR 2011 SC 3327 [LNIND 2011 SC 564] : (2011) 3 SCC (Cr) 83; *Bhudeo Mandal v State of Bihar,* (1981) 2 SCC 755 [LNIND 1981 SC 177] : 1981 SCC (Cr) 595, *Ranbir Yadav v State of Bihar,* (1995) 4 SCC 392 [LNIND 1995 SC 389] : 1995 SCC (Cr) 728, *Allauddin Mian v State of Bihar,* (1989) 3 SCC 5 [LNIND 1989 SC 236] : 1989 SCC (Cr) 490, *Rajendra*