

(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation.—It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

120B. Punishment of criminal conspiracy.—(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, ¹[imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.]

CHAPTER VI

OF OFFENCES AGAINST THE STATE

121. Waging, or attempting to wage war, or abetting waging of war, against the Government of India.—Whoever wages war against the ²[Government of India], or attempts to wage such war, or abets the waging of such war, shall be punished with death, or ³[imprisonment for life] ⁴[and shall also be liable to fine].

⁵[*Illustration*]

⁶***A joins an insurrection against the ²[Government of India]. A has committed the offence defined in this section.

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⁸[**121A. Conspiracy to commit offences punishable by section 121.**—Whoever within or without ⁹[India] conspires to commit any of the offences punishable by section 121, ¹⁰*** or conspires to overawe, by means of criminal force or the show of criminal force, ¹¹[the Central Government or any ¹²[State] Government ¹³***], shall be punished with ¹⁴[imprisonment for life], or with imprisonment of either description which may extend to ten years, ¹⁵[and shall also be liable to fine].

Explanation.—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.]

122. Collecting arms, etc., with intention of waging war against the Government of India.—Whoever collects men, arms or ammunition or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against the ²[Government of India], shall be punished with

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation” (w.e.f. 1-1-1956).

2. Subs. by the A. O. 1950, for “Queen”.

3. Subs. by 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

4. Subs. by Act 16 of 1921, s. 2, for “and shall forfeit all his property”.

5. Subs. by Act 36 of 1957, s. 3 and the Second Sch., for “*Illustrations*”

6. The brackets and letter “(a)” omitted by s. 3 and the Second Sch., *ibid.*

7. *Illustration (b)* omitted, by the A. O. 1950.

8. Ins. by Act 27 of 1870, s. 4.

9. The words “British India” have successively been subs. by the A. O. 1948, the A. O. 1950 and Act 3 of 1951, s. 3 and the Sch., to read as above.

10. The words “or to deprive the Queen of the sovereignty of the Provinces or of any part thereof” omitted by the A. O. 1950.

11. Subs. by the A. O. 1937, for “the G. of I. or any I. G”.

12. Subs. by the A. O. 1950, for “Provincial”.

13. The words “or the Government of Burma” omitted by the A. O. 1948.

14. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life or any shorter term” (w.e.f. 1-1-1956).

15. Ins. by Act 16 of 1921, s. 3.