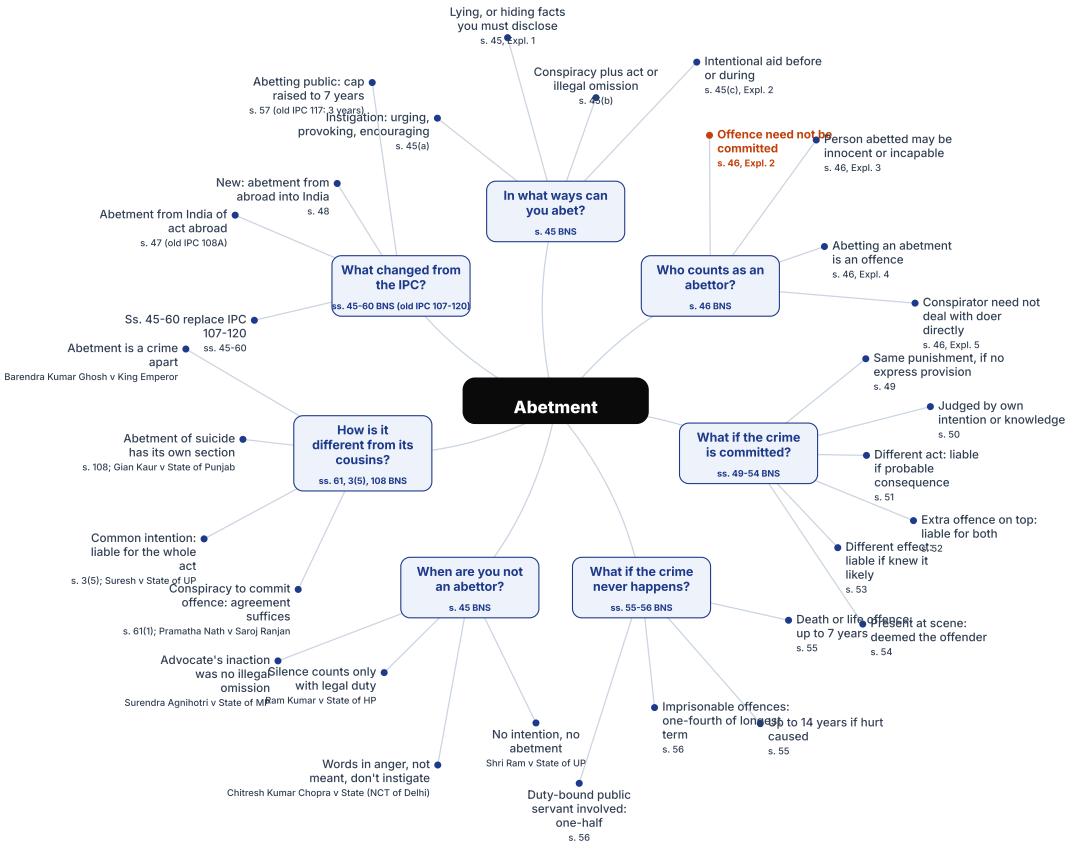
Abetment: Mind Map

CONCEPT MAP

Revise Abetment in two minutes. The highlighted point is the one examiners test most. Read the full explainer: Abetment explained.



Remember: Remember I-C-A: Instigate, Conspire, Aid. Abetment by conspiracy needs an act or illegal omission; a bare agreement is not enough.

- In what ways can you abet? (s. 45 BNS)
  - Instigation: urging, provoking, encouraging (s. 45(a))
  - Lying, or hiding facts you must disclose (s. 45, Expl. 1)
  - Conspiracy plus act or illegal omission (s. 45(b))
  - Intentional aid before or during (s. 45(c), Expl. 2)
- Who counts as an abettor? (s. 46 BNS)
  - **Offence need not be committed** (s. 46, Expl. 2)
  - Person abetted may be innocent or incapable (s. 46, Expl. 3)
  - Abetting an abetment is an offence (s. 46, Expl. 4)
  - Conspirator need not deal with doer directly (s. 46, Expl. 5)
- What if the crime is committed? (ss. 49-54 BNS)
  - Same punishment, if no express provision (s. 49)
  - Judged by own intention or knowledge (s. 50)
  - Different act: liable if probable consequence (s. 51)
  - Extra offence on top: liable for both (s. 52)
  - Different effect: liable if knew it likely (s. 53)
  - Present at scene: deemed the offender (s. 54)
- What if the crime never happens? (ss. 55-56 BNS)
  - Death or life offence: up to 7 years (s. 55)
  - Up to 14 years if hurt caused (s. 55)
  - Imprisonable offences: one-fourth of longest term (s. 56)
  - Duty-bound public servant involved: one-half (s. 56)
- When are you not an abettor? (s. 45 BNS)
  - No intention, no abetment (Shri Ram v State of UP)
  - Words in anger, not meant, don't instigate (Chitresh Kumar Chopra v State (NCT of Delhi))
  - Silence counts only with legal duty (Ram Kumar v State of HP)
  - Advocate's inaction was no illegal omission (Surendra Agnihotri v State of MP)
- How is it different from its cousins? (ss. 61, 3(5), 108 BNS)
  - Conspiracy to commit offence: agreement suffices (s. 61(1); Pramatha Nath v Saroj Ranjan)
  - Common intention: liable for the whole act (s. 3(5); Suresh v State of UP)
  - Abetment of suicide has its own section (s. 108; Gian Kaur v State of Punjab)
  - Abetment is a crime apart (Barendra Kumar Ghosh v King Emperor)
- What changed from the IPC? (ss. 45-60 BNS (old IPC 107-120))
  - Ss. 45-60 replace IPC 107-120 (ss. 45-60)
  - Abetment from India of act abroad (s. 47 (old IPC 108A))
  - New: abetment from abroad into India (s. 48)
  - Abetting public: cap raised to 7 years (s. 57 (old IPC 117: 3 years))

Abetment under the BNS is the offence of bringing about someone else's offence, and sections 45 to 60 cover it. A person abets by instigating, by joining a conspiracy followed by an act or illegal omission, or by intentionally aiding. The offence is complete even if the main crime never happens, and the person abetted need not be guilty. Punishment depends on whether the offence was committed (sections 49 to 54) or not (sections 55 and 56), and intention is essential throughout. Section 48 is new, and section 57, on abetting the public or more than ten persons, now allows up to seven years instead of three.

Abetment: Mind Map · https://www.legalrepublic.in/student-corner/bns/abetment-mind-map/ · Read the full explainer at https://www.legalrepublic.in/student-corner/bns/abetment/ · © LegalRepublic.in. For study and revision; not legal advice.