

The a transaction to
be regarded as



**ASSIGN
BUSTER**

The word ' transaction' means a group of facts so connected together as to involve certain ideas, viz., unity, continuity and connection. If several acts committed by a person show a unity of purpose or design that would be a strong circumstance to indicate that those acts form part of the same transaction.

It is generally thought that where there is proximity of time or place or unity of purpose and design or continuity of action in respect of a series of acts, it may be possible to infer that they form part of the same transaction. The real and substantial test for determining whether several offences are so connected together as to form one and the same transaction depends upon whether they are related together in point of purpose or as cause and effect or as principal and subsidiary acts as to constitute one continuous action. It is not necessary that every one of these elements should coexist a transaction to be regarded as the same. But, if several acts committed by a person show a unity of purpose or design that would be a strong circumstance to indicate that those acts form part of the same transaction.

Illustrations: (a) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody was. A may be charged with, and convicted of, offences under Sections 225 and 333 of the Indian Penal Code, 1860. (b) A commits house-breaking by day with intent to commit adultery and commits in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under Sections 454 and 497 of the Indian Penal Code, 1860. (c) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then

commits adultery with her. A may be separately charged with, and convicted of, offences under Sections 498 and 497 of the Indian Penal Code, 1860.

(d) A has in his possession several seals, knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under Section 466 of the Indian Penal Code, 1860. A may be separately charged with, and convicted of, the possession of each seal under Section 473 of the Indian Penal Code, 1860. (e) With intent to cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses of having committed an offence, knowing that there is no just or lawful ground for such charge. A may be separately charged with, and convicted of, two offences under Section 211 of the Indian Penal Code, 1860. (f) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is not just or lawful ground for such charge. On the trial, A gives false evidence against , intending thereby to cause to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under Sections 211 and 194 of the Indian Penal Code, 1860.

(g) A, with six others, commits the offences of rioting, grievous hurt and assaulting a public servant endeavoring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under Sections 147, 325 and 152 of the Indian Penal Code, 1860.

(h) A threatens , Ñ and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under Section 506 of the Indian

Penal Code, 1860. The separate charges referred to in Illustrations (a) to (h) respectively, may be tried at the same time.

Offences of criminal breach of trust or dishonest misappropriation of property and their companion offences of falsification of accounts: According to Section 220(2) of the Code of Criminal Procedure, when a person charged with one or more offences of criminal breach of trust or dishonest misappropriation of property as provided in sub-section (2) of Section 212 or in sub-section (1) of Section 219, is accused of committing, for the purpose of facilitating or concealing the commission of that offence or those offences, one or more offences of falsification of accounts, he may be charged with, and tried at one trial for, every such offence. Same act falling under different definitions of offences: As per Section 220(3) of the Code of Criminal Procedure, if the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with, and tried at one trial for, each of such offences. Illustrations: (1) A wrongfully strikes with a cane. A may be separately charged with, and convicted of, offences, under Sections 352 and 323 of the Indian Penal Code, 1860. (2) Several stolen sacks of com are made over to A and B, who knew they are stolen property, for the purpose of concealing them. A and thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and may be separately charged with, and convicted of, offences under Sections 411 and 414 of the Indian Penal Code, 1860.

(3) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be

separately charged with, and convicted of, offences under Sections 317 and 304 of the Indian Penal Code, 1860. (4) A dishonestly uses a forged document as genuine evidence in order to convict B, a public servant, of an offence under Section 167 of the Indian Penal Code, 1860. A may be separately charged with, and convicted of, offences under Section 471 (read with Section 466) and Section 196 of the Indian Penal Code, 1860. Acts forming an offence also constituting different offences when taken separately or in groups: Section 220(4) of the Code of Criminal Procedure provides that if several acts of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with, and tried at one trial for the offence constituted by such acts when combined, and for any offence constituted by anyone, or more, of such acts. Illustration: A commits robbery on B and in doing so voluntarily causes hurt to him.

A may be separately charged with, and convicted of, offences under Sections 323, 392 and 394 of the Indian Penal Code, 1860.