

Whoever (ii) a
instigates b to give



**ASSIGN
BUSTER**

Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of any description provided for that offence for a term which may extend to one-fourth part of the longest term provided for that offence, or with such fine as is provided for that offence, or with both; If abettor or person abetted be a public servant whose duty it is to prevent offence.

— and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both. Illustrations: (i) A offers a bribe to B, as a public servant, as a reward and for showing A some favour in the exercise of B's official functions. B refuses to accept the bribe. A is punishable under Section 116. (ii) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this section, and is punishable accordingly.

(iii) A, a police officer, whose duty is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for the offence, and also to fine. (iv) B abets the commission of robbery, by A a police officer, whose duty it is to prevent that offence. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

It is not necessary at all that the act abetted must be committed. Abetment does not itself involve the actual commission of the crime abetted. It is a crime apart. The Supreme Court reiterated it and said in *Faguna Kanta Nath v.*

State of Assam, that under the Indian Law for an offence of abetment it is not necessary that the offence should have been committed. A man may be guilty as an abettor whether the offence is committed or not.