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**ASSIGN
BUSTER**

A knows that the advertisement would encourage the sale of obscene books. A, as such abets the sale of obscene literature by intentional aid.

The intention should be to aid an offence or to facilitate the commission of an offence. A mere giving of an aid will not make the act an abetment of an offence, if the person who gave the aid did not know that an offence was being committed, or contemplated, the supplying of food to a person about to commit a crime, is not necessarily an abetment of the crime, e. g., the supplying of necessary food to a person known to be engaged in crime is not, per se criminal, but if foods were supplied in order that the criminal might go on a journey to the intended scene of the crime or conceal himself while waiting for an opportunity to commit the crime, the supplying of food would be in order to facilitate the commission of the crime and might facilitate it. A person may invite another casually or for a friendly purpose and that may facilitate the murder of the invitee, but unless the invitation was extended with intent to facilitate the commission of the murder, the person inviting cannot be said to have abetted the murder.

It is not enough that an act on the part of the alleged abettor happens to facilitate the commission of the crime. Intentional aiding and therefore active complicity is the gist of the offence of abetment by aid. Therefore, a person cannot be held guilty of aiding the doing of an act when the thing has not been done at all. Explanation of Section 107 lays down: “Whoever, either prior to or at the time of commission of any act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

” For instance, a servant keeps open the gates of his master’s house, so that the thieves may come, but thieves, do not come, he cannot be held guilty of abetting the commission of theft. Mere failure to prevent offence is not abetment: Mere failure to prevent the commission of the offence is not by itself an abetment in the absence of anything to show that the accused helped in or instigated the commission of that offence. Thus, where the second accused received the amount in the immediate presence and with the knowledge of the first accused who was his official superior and the leader of the excise party, it cannot be said that the first accused abetted the commission of the offence by intentionally aiding the act of the first accused in receiving the amount and by illegally omitting to prevent him from doing it. He is not therefore liable under Section 107, I. P.

C. Mere presence does not amount to aiding or abetment: Mere presence at the commission of an offence without any knowledge of offence does not amount to abetment by aiding. To constitute an offence of abetment by aiding requires prior plan and intention. In furtherance of plan and intention if man is present to aid the commission of an offence, he will be treated as an abettor. Accomplice: A person, who knowingly aids in the disposal of stolen property, is an accomplice. Mere presence at the commission of a crime does not amount to intentional aid, unless it is intended to have that effect. In order to convict a person of abetment by illegal omission it is necessary to show that the accused intentionally aided the commission of the offence by his non-interference, and that the omission involved a breach of legal obligation. Abetment by omission would only be punishable if the omission were an illegal commission.

To convict a person of abetting the commission of a crime, it is not only necessary to know that he has taken part in those steps of the transaction which are innocent but in some way or other it is absolutely necessary to convict him with those steps of the transaction which are criminal. Alleged omission to intervene or raise an alarm on the part of an unwilling spectator does not amount to an abetment. Unless it is shown that the commission of the crime was not possible without the specific aid rendered by a person he would not be liable for an offence under Section 107. Specific allegation must be made and proved during the trial to bring home the guilt regarding the manner in which he abetted the commission of the crime.