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The Indian Penal Code 1860

Section 38 - PERSONS CONCERNED IN CRIMINAL ACT MAY BE GUILTY OF DIFFERENT OFFENCES Where several persons are engaged or concerned in

SECTION 38: PERSONS CONCERNED IN CRIMINAL ACT MAY BE GUILTY OF DIFFERENT OFFENCES Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act. Illustration A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. B, having ill-will towards Z and intending to kill him, and not having been subject to the provocation assists A in killing Z. Here, though A and B are both engaged in causing Z's death. B is guilty of murder, and A guilty only of culpable homicide.