

The Indian Penal Code 1860

Section 111 - LIABILITY OF ABETTOR WHEN ONE ACT ABETTED AND DIFFERENT ACT DONE When an act is abetted and a different act is done,

a) A instigates a child to put poison in to the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y. (b) A instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning. (c) A instigates B and C to break into an inhabited house at mid-night for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder. COMMENTS This section is based on a maxim--"every man is presumed to intend the natural consequences of his act". A and B instigated C to rob the deceased on his way back home. C killed the deceased. C was convicted of murder and A & B of offences under ss. 109 & 302. A probable consequence of an Act is one which is likely or which can reasonably be expected to follow from such Act.