

B.A.LL.B. V SEMESTER
SUBJECT : LAW OF CRIMES
BL-5001

TOPIC: Concept of Construction and Joint Liability

Section 34

Elements

- criminal act
- done by several persons
- in furtherance of common intention of all
- every person is liable in same manner.
- The term 'in furtherance' was added in 1870 by the case of R V/S cruise.
- Minimum 2 members are required for forming common intention whereas for common object minimum 5 members are required so as to form unlawful assembly.
- **Section related to Joint liability**
 - Section 114
 - 376D, 376DA, 376DB
 - 396, 460
- Difference b/w common intention of common object former is a rule of evidence and meeting of mind is required for such intention whereas latter is a rule of punishment and meeting of mind is not necessary, related caselaw – Mehboob Shah v/s Emperor
- **Important Cases :**
 - V.K. Ghosh v/s Emperor – passive participation also amounts to common intention.
 - Rishi DevPandey v/s State of UP – common intention can be formed at the moment as well.

Section 149 r/w 141

Elements

- Offence committed
- by any member of unlawful assembly
- in prosecution of common object
- each member is liable in same manner

Compiled By
Dr Sushil Kumar Sharma
Teaching Assistant
ILS, CCSU campus, Meerut

For further queries you may reach us via..
E-mail - pcsjsushil@gmail.com
Mob - 7017178215