



## **FACULTY OF JURIDICAL SCIENCES**

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**SUBJECT NAME- LAW OF CRIMES**

**COURSE NAME- LLB, Ist Sem**

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# **LECTURE 4**

### Stages Of A Crime

If a person commits a crime voluntarily or after preparation the doing of it involves four different stages. In every crime, there is first intention to commit it, secondly, preparation to commit it, thirdly, attempt to commit it and fourthly the accomplishment. The stages can be explained as under-

1. **Intention-** Intention is the first stage in the commission of an offence and known as mental stage. Intention is the direction of conduct towards the object chosen upon considering the motives which suggest the choice. But the law does not take notice of an intention, mere intention to commit an offence not followed by any act, cannot constitute an offence. The obvious reason for not prosecuting the accused at this stage is that it is very difficult for the prosecution to prove the guilty mind of a person.
2. **Preparation-** Preparation is the second stage in the commission of a crime. It means to arrange the necessary measures for the commission of the intended criminal act. Intention alone or the intention followed by a preparation is not enough to constitute the crime. Preparation has not been made punishable because in most of the cases the prosecution has failed to prove that the preparations in the question were made for the commission of the particular crime.

If A purchases a pistol and keeps the same in his pocket duly loaded in order to kill his bitter enemy B, but does nothing more. A has not committed any offence as still he is at the stage of preparation and it will be impossible for the prosecution to prove that A was carrying the loaded pistol only for the purpose of killing

**B.Preparation When Punishable-** Generally, preparation to commit any offence is not punishable but in some exceptional cases preparation is punishable, following are some examples of such exceptional circumstances-

- Preparation to wage war against the Government - Section 122, IPC 1860;
- Preparation to commit depredation on territories of a power at peace with Government of India- Section 126, IPC 1860;
- Preparation to commit dacoity- Section 399, IPC 1860;
- Preparation for counterfeiting of coins or Government stamps- Sections 233-235, S. 255 and S. 257;
- Possessing counterfeit coins, false weight or measurement and forged documents. Mere possession of these is a crime and no possessor can plead that he is still at the stage of preparation- Sections 242, 243, 259, 266 and 474.

**MCQs-**

i. **Habitual dealing in slaves is dealt under-**

- A. Section 371 of IPC
- B. Section 372 of IPC
- C. Section 373 of IPC
- D. Section 374 of IPC

ii. **Which of the following is false of Section 34 and Section 149 of the IPC?**

- A. S. 34 does not by itself create any specific offence whereas S. 149 does so
- B. Some active participation in crime is required in S. 34 while it is not needed in S. 149
- C. S. 34 speaks of common intention while S. 149 contemplates common object
- D. S. 34 requires at least five persons who must share the common intention while S. 149 requires at least two persons to share the common intention

iii. **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. Which of the following judgment under Section 38 of IPC applies to A and B?**

- A. A is guilty of culpable homicide and B is guilty of murder
- B. B is guilty of culpable homicide and A is guilty of murder
- C. Both A and B are guilty of culpable homicide
- D. Both A and B are guilty of murder

iv. **The basic principle which runs through Section 32 to 38 of IPC is that:**

- A. in certain circumstances some part of the act is attributed to a person who may have performed only a fractional part of it.
- B. in certain circumstances an entire act is attributed to a person who may have performed only a fractional part of it.
- C. in certain circumstances an entire act is attributed to a person who may have performed the whole of it.

D. in certain circumstances no act is attributed to a person who may have performed only a fractional part of it.

**v. Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment is dealt under-**

A. Section 109 of IPC

B. Section 110 of IPC

C. Section 111 of IPC

D. Section 112 of IPC