



FACULTY OF JURIDICAL SCIENCES

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SUBJECT NAME- LAW OF CRIMES

COURSE NAME- LLB, Ist Sem

SUBJECT CODE-LLB-103

LECTURE-5

3. **Attempt-** Attempt is the direct movement towards the commission of a crime after the preparation is made. According to English law, a person may be guilty of an attempt to commit an offence if he does an act which is more than merely preparatory to the commission of the offence; and a person will be guilty of attempting to commit an offence even though the facts are such that the commission of the offence is impossible.

There are three essentials of an attempt:-

- Guilty intention to commit an offence;
- Some act done towards the commission of the offence;
- The act must fall short of the completed offence.

Attempt Under The Indian Penal Code, 1860- The Indian Penal Code has dealt with attempt in the following four different ways-

- Completed offences and attempts have been dealt with in the same section and same punishment is prescribed for both. Such provisions are contained in Sections 121, 124, 124-A, 125, 130, 131, 152, 153-A, 161, 162, 163, 165, 196, 198, 200, 213, 240, 241, 251, 385, 387, 389, 391, 394, 395, 397, 459 and 460.
- Secondly, attempts to commit offences and commission of specific offences have been dealt with separately and separate punishments have been provided for attempt to commit such offences from those of the offences committed.

Examples are- murder is punished under section 302 and attempt to murder under section 307; culpable homicide is punished under section 304 and attempt to commit culpable homicide under section 308; Robbery is punished under section 392 and attempt to commit robbery under section 393.

- Thirdly, attempt to commit suicide is punished under section 309;
- Fourthly, all other cases [where no specific provisions regarding attempt are made] are covered under section 511 which provides that the accused shall be punished with one-half of the longest term of imprisonment provided for the offence or with prescribed fine or with both.

4. **Accomplishment Or Completion-** The last stage in the commission of an offence is its accomplishment or completion. If the accused succeeds in his attempt to commit the crime, he will be guilty of the complete offence and if his attempt is unsuccessful he will be guilty of an attempt only. For example, A fires at B with the intention to kill him, if B dies, A will be guilty for committing the offence of murder and if B is only injured, it will be a case of attempt to murder.

MCQs-

i. A meets B on high roads, shows a pistol and demands B's purse. B in consequence, surrenders his purse. Here A has committed-

- (A) Theft
- (B) Extortion
- (C) Robbery
- (D) Dacoity

ii. A intentionally causes B's death, partly by illegally omitting to give food to him, and partly by beating him. A has committed –

- (A) Culpable homicide
- (B) Attempt to murder
- (C) Murder
- (D) Culpable homicide not amounting to murder

iii. **Criminal conspiracy is an agreement between two or more persons to...**

- A) To do or cause to be done an illegal act
- B) Do or cause to be done an illegal act, or an act which is not illegal by illegal means.
- C) Commit an offense
- D) None of the above

iv. **Buying or obtaining possession of a minor for the same purposes is dealt under-**

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

v. **Which of the following does not attract Section 34 of the IPC?**

- A. the accused husband killed his wife and threw her dead body into the well to the knowledge of co-accused. As yet co-accused took the false plea that on date and hour incident the deceased was present in the house.
- B. the accused was involved in looting the victims in broad daylight on the main public road. Main accused indulged in looting but co-accused was simply standing nearby.
- C. Driver and cleaner of a bus when form a common intention to kill the deceased and in pursuance of the plan kill him and take away the sale proceeds of the grain sold by him
- D. all of them except the co-accused in B.