

ACT No. VIII of 1913.<sup>1</sup>

[27th March, 1913.]

## An Act further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898.

XLV of  
1860.  
V of 1898.

WHEREAS it is expedient further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898; It is hereby enacted as follows:—

1. This Act may be called the Indian Criminal Law Amendment Short title Act, 1913.

XLV of  
1860.

2. In section 40 of the Indian Penal Code, after the word and figures "Chapter IV", the word, figure and letter "Chapter VA" shall be inserted.

Amendment  
of section 40,  
Indian Penal  
Code.

3. After Chapter V of the said Code, the following Chapter shall be inserted, namely:—

Insertion of  
new Chapter  
in the Indian  
Penal Code.

## " CHAPTER VA.

## CRIMINAL CONSPIRACY.

120A. When two or more persons agree to do, or cause to be done,—

Definition  
of criminal  
conspiracy.

(1) an illegal act, or

(2) an act which is not illegal by illegal means,

such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

*Explanation.*—It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

120B. (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, transportation or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

Punishment  
of criminal  
conspiracy.

<sup>1</sup> For Statement of Objects and Reasons, see Gazette of India, 1913, Pt. V, p. 44, for Report of the Select Committee, see *ibid.*, 1913, Pt. V, p. 119; and for Proceedings in Council, see *ibid.*, 1913, Pt. VI, pp. 107, 244, 334 and 349.

It has been declared in force in the Sonthal Parganas by Notification under s. 3 of the Sonthal Parganas Settlement Regulation, 1913 (3 of 1913), see B. & O. Gazette, 1917, Pt. II, p. 918.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months or with fine or with both."

Amendment of section 195, Code of Criminal Procedure, 1898.

4. In section 195, sub-section (3), of the Code of Criminal Procedure, 1898, before the words "the abetment" the words "criminal conspiracies to commit such offences and to" shall be inserted. V of 1898.

Insertion of new section 196A in Code of Criminal Procedure, 1898.

5. After section 196 of the Code of Criminal Procedure, 1898, the following section shall be inserted, namely:— V of 1898.

Prosecution for certain classes of criminal conspiracy.

"196A. No Court shall take cognizance of the offence of criminal conspiracy punishable under section 120B of the Indian Penal Code, XLV of 1860.

(1) in a case where the object of the conspiracy is to commit either an illegal act other than an offence, or a legal act by illegal means, or an offence to which the provisions of section 196 apply, unless upon complaint made by order or under authority from the Governor General in Council, the Local Government or some officer empowered by the Governor General in Council in this behalf, or

(2) in a case where the object of the conspiracy is to commit any non-cognizable offence, or a cognizable offence not punishable with death, transportation or rigorous imprisonment for a term of two years or upwards, unless the Local Government, or a Chief Presidency Magistrate or District Magistrate empowered in this behalf by the Local Government, has, by order in writing, consented to the initiation of the proceedings:

Provided that where the criminal conspiracy is one to which the provisions of sub-section (3) of section 195 apply, no such consent shall be necessary."

Amendment of Schedule II of the Code of Criminal Procedure, 1898.

6. In Schedule II of the Code of Criminal Procedure, 1898, after the entries relating to Chapter V, the entries contained in the Schedule hereto annexed shall be inserted. V of 1898.

SCHEDULE.  
CHAPTER VA.  
*Criminal Conspiracy.*

1	2	3	4	5	6	7	8
120B	Criminal conspiracy to commit an offence punishable with death, transportation or rigorous imprisonment for a term of two years or upwards.	May arrest without warrant if arrest for the offence which is the object of the conspiracy may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence which is the object of the conspiracy.	According as the offence which is the object of the conspiracy is bailable or not.	Not compoundable.	The same punishment as that provided for the offence which is the object of the conspiracy.	Court of Session when the offence which is the object of the conspiracy is triable exclusively by such Court; in the case of all other offences Court of Session, Presidency Magistrate or Magistrate of the first class.
	Any other criminal conspiracy.	Shall not arrest without a warrant.	Summons.	Bailable.	Ditto.	Imprisonment of either description for six months and fine or both.	Presidency Magistrate or Magistrate of the first class.

