

FREE JUDICIARY CLASSES



BSA  2023 #18

Conspiracy

(षडयन्त्र)

कब Relevant होती है?

By Tansukh Paliwal



3CRP

3-44214 (Offence)

BSP
+
BNS

Solo Offence

Only One

Group Offence

2+

✓ Affray दंगा

✓ Cr. Conspiracy

✓ (Abettor + Offender)

✓ Organised Crime: (111)

5+

✓ Unlawful Assembly (189)

✓ Riot (310)

10+*

Abet.

NOTE :-

[
• A
• B
• C] ઘોરે ખાઈ :
Accomplice
(સાહે-ભાગીદાર)
↓
Actively
Participate
(Offence)

witness.

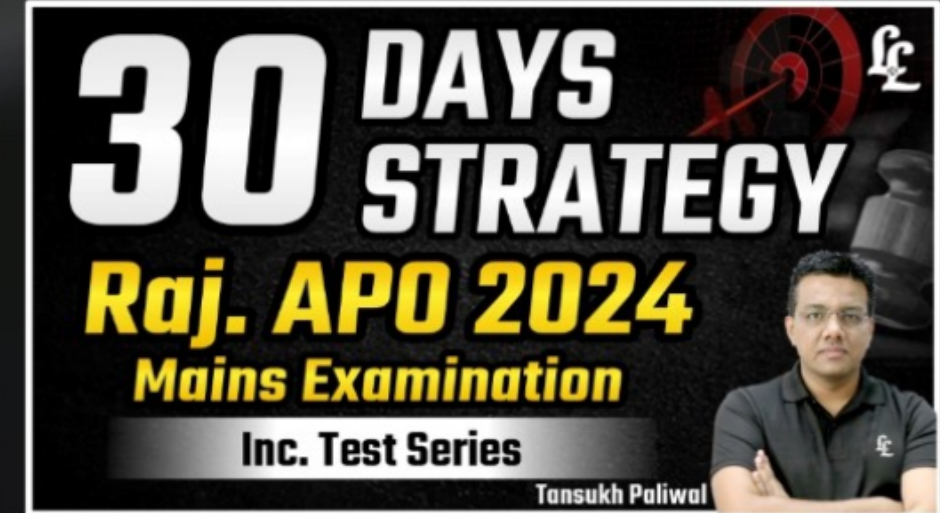
v/s.

[
A
B]
Co-accused (સાહે-
અભિયુક્ત)
↓
Co-CHARGED
(Trial)

Accused \neq witness

TODAYS'

TANSUKH SIR FREE SESSION



07 PM

08 PM

LIVE

LINKING-LAWS

 YouTube

Personal Counselling

(One on One) Part 3

LIVE

LINKING App./ ZOOM

09 PM

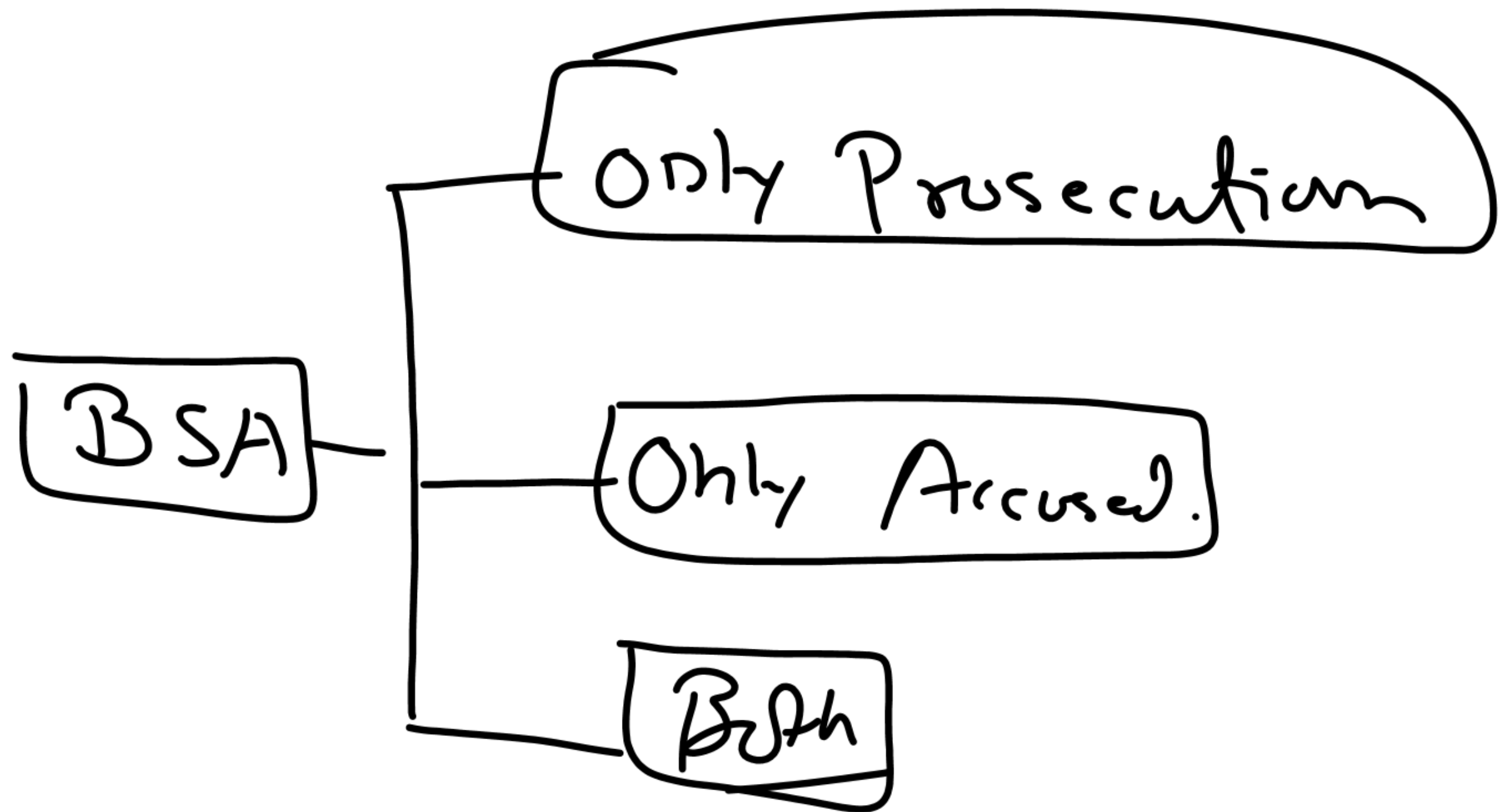
Bharatiya Sakshya Adhiniyam, 2023



8. Things said or done by conspirator in reference to common design. कहे करे Conspiracy

Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, anything said done or written by any one of such persons in reference to their common intention, (after the time when such intention was first entertained by any one of them) is a relevant fact as against ~~to~~ each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

- SAID
- DONE
- WRITTEN





- **Illustrations.**

Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the State.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Kolkata for a like object, D persuaded persons to join the conspiracy in Mumbai, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Singapore the money which C had collected at Kolkata, and the contents of a letter written by H giving an account of the conspiracy, are each relevant, both to prove the existence of the conspiracy, and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.



24. Consideration of proved confession affecting person making it and others jointly under trial for same offence.

When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession.

24. साबित संस्वीकृति को, जो उसे करने वाले व्यक्ति और एक ही अपराध के लिए संयुक्त रूप से विचारित अन्य को प्रभावित करती है विचार में लेना ।

जब कि एक से अधिक व्यक्ति एक ही अपराध के लिए संयुक्त रूप से विचारित हैं तथा ऐसे व्यक्तियों में से किसी एक के द्वारा, अपने को और ऐसे व्यक्तियों में से किसी अन्य को प्रभावित करने वाली की गई संस्वीकृति को साबित किया जाता है, तब न्यायालय ऐसी संस्वीकृति को ऐसे अन्य व्यक्ति के विरुद्ध तथा ऐसे संस्वीकृति करने वाले व्यक्ति के विरुद्ध विचार में ले सकेगा ।

Bharatiya Sakshya Adhiniyam, 2023



Explanation I.—"Offence", as used in this section, includes the abetment of, or attempt to commit, the offence.

Explanation II.—A trial of more persons than one held in the absence of the accused who has absconded or who fails to comply with a proclamation issued under section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023 shall be deemed to be a joint trial for the purpose of this section.

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स्पष्टीकरण 1- इस धारा में प्रयुक्त " अपराध" शब्द के अन्तर्गत उस अपराध का दुष्प्रेरण या उसे करने का प्रयत्न आता है ।

स्पष्टीकरण 2- एक से अधिक व्यक्तियों का विचारण किसी ऐसे अभियुक्त की अनुपस्थिति में किया जाता है, जो भगौड़ा है या जो भारतीय नागरिक सुरक्षा (दूसरी) संहिता, 2023 की धारा 84 के अधीन जारी उद्घोषणा का अनुपालन करने में असफल रहता है, इस धारा के प्रयोजन के लिए संयुक्त विचारण समझा जाएगा ।