



## EAGLE INSTITUTE OF LAW

| Common intention - Section 3(5 ) |   | Common Object - Section 190 |   |
|----------------------------------|---|-----------------------------|---|
| 1                                | Common intention refers to a pre-arranged plan and acting in concert pursuant to it. It implies a meeting of minds and a plan to commit a criminal act. | 1                           | Common object refers to a shared goal among a group of people to commit a criminal act. It does not require a pre-arranged plan or prior meetings of minds. |
| 2                                | It is a rule of evidence and does not create a specific offence.  | 2                           | It creates a specific offence as being a member of unlawful assembly is in itself an offence.   |
| 3                                | In order to attract Section 3(5) number of persons is immaterial. Only requirement is that there must be <b>more than one person</b> .                  | 3                           | It requires minimum of <b>5 persons</b> to constitute unlawful assembly.  |
| 4                                | It requires some active participation, however small the act may be.  | 4                           | Mere membership of unlawful assembly is sufficient to attract provisions of Section 190.  |
| 5                                | It necessarily pre-supposes a <b>pre-arranged plan</b> .  | 5                           | It does <b>not require prior meeting</b> of mind.   |
| 6                                | Common intention may be any intention for the purpose of Section 3(5)   | 6                           | Common object of unlawful assembly must be one of the objects mentioned under Section 189.  |
| 7                                | <b>Proof</b> : More stringent as it requires proof of the pre-arranged plan.  |                             | <b>Proof</b> : Less stringent as it does not require proof of prior planning.   |

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| 8   | <b>Liability</b> : Each person is liable for the act done by the others if it is in furtherance of the common intention. | <b>Liability</b> : Each person is liable for the offense committed by any member of the group in furtherance of the common object. |
| <b>Common intention 3(5)</b>  |  | <b>Similar intention 3(6)</b>  |
| It must be pre-arranged plan, prior meeting of minds of those involved in the crime.                    |  | It does not require a prior meeting of mind or pre-mediation of the commission of the act.   |
| Each person is held equally liable for the same offence.  |  | Each person would be liable for their individual effort or acts and not jointly for the acts of others.                            |
| It requires the proof of the fact that the accused had entered into an agreement with the main accused. |  | Criminal knowledge is a condition precedent to Section 3(6), that must be established while creating evidence under this section.  |
| Intentions are known and shared.  |  | Intentions are unknown and unshared.   |
| <b>S-3(5) Common Intention</b>  |  | <b>S-54 Abettor present when offence is committed</b>  |
| 1   | Actual participation for all   | 1 Deemed participation   |
| 2   | Each of them is liable as if it were done by himself alone.  | 2 Even if the abettor is not present at the commission of offence, abettor shall be deemed to have committed the offence.          |