

ANALYSIS OF COMMON OBJECT AND COMMON ANALYSIS

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Introduction

The legal notions of common object and common intention are frequently employed in the context of criminal law to establish the liability of those participating in a criminal act. Shared *Mens Rea* is a fundamental component of shared purpose and common object. Sections 34 as well as Section 149 of the IPC, deal with the offences of Common Intention and Common Object. Let's understand these concepts in simple language first:

Common Object

The collective objective or goal that a group of individuals seeks to attain through their collective efforts is referred to as the common object. The same goal unifies the members of the group and pushes them to collaborate. For example, if a gang of people decides to rob a bank, the common goal is to get money or assets illegally.

Common Intention

The mutual understanding and agreement among the participants in a criminal conduct to execute a certain crime is referred to as common intention, sometimes known as a common design or common plan. It entails a shared mental state in which each member is aware of the broad extent of the criminal act and intends to actively engage in its execution. The conduct and behaviour of the individuals involved can reveal the common objective. For example, if a gang of people carries guns while attempting a robbery, their collective actions reveal their joint intent to commit the crime.

Section 34 of Indian Penal Code

According to Section 34, "*when a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.*" This means that if two or more people perform a criminal act with the same intent, each person will be held equally accountable as if they committed the act individually.

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In the case of Barendra Kumar Ghosh v. King Emperor (1925), the Privy Council concluded that for Section 34 to apply, the illegal act must be committed by multiple people and committed in furtherance of a common aim.

Section 149 of the Indian Penal Code

Section 149 deals with the liability of members of an unlawful assembly for a common object. Section 149 establishes a specific offence. It deals with the liability of members of an unlawful assembly for a common object. *"If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of committing that offence, is a member of that assembly, is guilty of that offence."*

Every person who joins the assembly with the shared object is held liable since he is deemed to have consented to furthering the assembly's goal. The presence of the accused as a member of the unlawful assembly is deemed sufficient.

In Hari Om and Others v. State of Haryana (2005), the Supreme Court decided that it is not required to demonstrate that the accused actively participated in the commission of the offence for Section 149 to be applied. Membership in an unlawful assembly with a shared goal is enough to bring you into trouble.

Conclusion

The presence of a common object or common intention does not need that everyone involved actively participate in the entire offence. Individuals can be held accountable for the entire offence even if they play a minor role or do a separate act that supports or furthers the common aim or common intention. Overall, the principles of common object and common intention aid in establishing collective responsibility and accountability in group criminal conduct. Individuals who actively participate in a criminal enterprise, regardless of their exact duties, are held liable for their activities.

For further discussion or queries on the above-mentioned issue, we can be reached at anbay.legal@gmail.com