

## ACT No. VIII OF 1913.

[PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.]

*(Received the assent of the Governor General on the 27th  
March, 1913.)*

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

**W**HEREAS it is expedient further to amend the  
Indian Penal Code and the Code of Criminal XLV of 1860.  
Procedure, 1898; It is hereby enacted as follows:— V of 1898.

Short title.

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

Amendment  
of section 40,  
Indian Penal  
Code.

**2.** In section 40 of the Indian Penal Code, after XLV of 1860.  
the word and figures "Chapter IV", the word, figure  
and letter "Chapter VA" shall be inserted.

Insertion of  
new Chapter  
in the Indian  
Penal Code.

**3.** After Chapter V of the said Code, the follow-  
ing Chapter shall be inserted, namely:—

### "CHAPTER VA.

#### CRIMINAL CONSPIRACY.

Definition of  
criminal con-  
spiracy.

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

(1) an illegal act, or

(2) an act which is not illegal by illegal means,  
such an agreement is designated a criminal con-  
spiracy:

Provided that no agreement except an agree-  
ment to commit an offence shall amount to a crimi-  
nal 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 ille-  
gal act is the ultimate object of such agreement, or  
is merely incidental to that object.

120B. (1)

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*Indian Penal Code and Code of  
Criminal Procedure.*

[ ACT VIII,

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.

(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."

V of 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

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

V of 1898.

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

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

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

Prosecution  
for certain  
classes of  
criminal con-  
spiracy.

(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

1913.]

*Indian Penal Code and Code of  
Criminal Procedure.*

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 of 1898, the entries contained in the Schedule hereto annexed shall be inserted.

*Indian Penal Code and the Code of Criminal Procedure.* [ACT VIII, 1913.]

SCHEDULE.

“ CHAPTER VA.

*Criminal Conspiracy.*

1	120B.						
2	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 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 abetment of 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.