

ABETMENT

[Sections 107 To 120 PPC]

Section 109 PPC declared as repugnant to injunctions of Islam, reasonable grounds were thus available to believe that the accused was not guilty of the offence. Federation of Pakistan v. Gul Hassan Khan and others; PLD 1989 S.C. 633 referred in which it is held that provisions of Sec. 109 PPC are repugnant to the injunctions of Islam. Also see PLD 1990 SC 1172, Pakistan v. N.W.F.P. Govt. PLJ 1997 Cr.C. (Lah.) 884, Manzoor Ahmed.

Mere presence at the scene of occurrence does not make out a case of abetment. Abetment can be through instigation conspiracy or intentional aid. (DB) NLR 1991 Cr. 153. Nazir Ahmed etc.

Co-accused not present at the spot. Only allegation against them was that murder had been committed at their instance, held, conviction could not be maintained on such allegations. 1995 SCMR 900, Bashir Khan.

Abetment previous to the commission of offence. Mere presence at the scene of offence is sufficient overt act to support conviction by application of Sec. 114, PPC. However, then the offence should be substantive one read with Sec. 34 or 149, PPC. (SC) **PLD 1967 SC 340 Chiragh Din.**

Person present abetting an offence is deemed to have committed the offence himself though he does not do so himself. 38 Cr.L.J. 628. Mangta. (SC) PLD 1967 SC 340. Chiragh Din.

Person watching outside the house while murder was being committed inside, he was held guilty of murder. (1899) **1 Bom. LR 351.** Khandu v. Emp.

Principal offender acquitted, abettor thereby is not entitled to acquittal (DB) PLD 1966 Dac. 269. Shama.

Person acquitted of substantive offence cannot be convicted for its abetment. (DB) PLD 1975 Lah. 1407. State v. Sardar Shah.

Principal cannot be abettor. A person convicted of an offence as principal cannot also be convicted as an abettor. **PLD 1961 Lah. 212. Fateh Muhammad.**

Abettor responsible for probable consequences. PLD 1979 SC 741. Z.A. Bhutto.

Incitement amounts to abetment, PLD 1959 Dac. 833. State v. Bahar Ali.

Lalkara amounts to abetment and is no ground for allowing bail, having regard to the circumstances of the case. (SC) PLD 1967 SC 340 Chiragh Din.

Lalkara. Part assigned to the co-accused a mere proverbial lalkara. Such allegations, held are frequently made to implicate innocent persons. Although death sentence of principal accused confirmed yet co-accused acquitted as a matter of abundant caution. (DB) 1970 P.Cr.LJ 868. Mohammad Shafi etc.

"Accused aged 60 years, not armed, no specific role attributed to him except proverbial lalkara. Held, accused rightly given benefit of doubt and acquitted. (SC) PLD 1975 SC 556. Muhammad Ashraf v. Faiz Ali.

