

IPC S. 34 - Section 34 creates a deeming fiction by infusing and importing a criminal act constituting an offence committed by one, into others, in pursuance to a common intention - This would require the quality of evidence to be substantial, concrete, definite and clear - What is required is a common intention - Dominant feature of Section 34 is an element of intention and participation in action - This participation need not in all cases even be physical presence but a common intention - There has to be a simultaneous consensus of minds of the persons participating in the criminal action to bring about a particular result - That intention can be formed at any time - Section 34, IPC does not create any distinct offence but it lays down the principle of constructive liability stipulating that the act must be done in furtherance of the common intention. *Virendra Singh v. State of Madhya Pradesh - (2010) 8 SCC 407, relied.*

IPC S. 34 - What is required is the proof of common intention. Thus, there may be an offence without common intention, in which case Section 34 IPC does not get attracted.

IPC S. 34 - In order to attract Section 34 to 39 IPC, a series of acts done by several persons would be related to a single act which constitutes a criminal offense - A similar meaning is also given to the word 'omission', meaning thereby, a series of omissions would also mean a single omission - This provision would thus make it clear that an act would mean and include other acts along with it.

IPC S. 34 - Section 34 IPC creates a deeming fiction by infusing and importing a criminal act constituting an offence committed by one, into others, in pursuance to a common intention - Onus is on the prosecution to prove the common intention to the satisfaction of the court - The quality of evidence will have to be substantial, concrete, definite and clear - When a part of evidence produced by the prosecution to bring the accused within the fold of Section 34 IPC is disbelieved, the remaining part will have to be examined with adequate care and caution, as we are dealing with a case of vicarious liability fastened on the accused by treating him at par with the one who actually committed the offence.

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