



State through Superintendent of Police v. Nalini & Ors. (1999) 5 SCC 253 (3-Judge Bench). They are as follows:

- i. Conspiracy is when two or more persons agree to do or cause to be done an illegal act or legal act by illegal means.
- ii. The offence of criminal conspiracy is an exception to the general law, where intent alone does not constitute crime. It is the intention to commit a crime and join hands with persons having the same intention.
- iii. Conspiracy is hatched in private or in secrecy. It is rarely possible to establish a conspiracy by direct evidence. Usually, the existence of the conspiracy and its objects have to be inferred from the circumstances and the conduct of the accused.
- iv. Where in pursuance of the agreement, the conspirators commit offenses individually or adopt illegal means to do a legal act that has a nexus to the object of the conspiracy, all of them will be liable for such offenses even if some of them have not actively participated in the commission of those offenses.

These principles were followed in ***Yakub Abdul Razak Memon v. State of Maharashtra (2013) 13 SCC 1*** (2-Judge Bench), wherein this Court reiterated that to establish conspiracy it is necessary to establish an agreement between the parties. Further, the offence of criminal conspiracy is of joint responsibility, all conspirators are liable for the acts of each of the crimes which have been committed as a result of the conspiracy. [See ***Arvind Singh v. State of Maharashtra (2021) 11 SCC 1*** (3-Judge Bench)]