

Ans. Constructive Liability : Constructive liability under the Code may arise in three well defined cases. A person may be constructively liable for an offence which he did not actually commit by reason of--

- (1) the common intention of all to commit such an offence (S. 34) ;
- (2) his being a member of a conspiracy to commit such an offence (S. 121-A) ;
- (3) his being a member of an unlawful assembly, the members whereof knew that an offence was likely to be committed.

CHAPTER III

OF PUNISHMENTS

(Ss. 53-75)

Q. 20. What are the Objects & Purposes of punishment ?

Ans. Objects & Purposes : The object and purpose of punishment is the prevention of crime and every punishment is intended to have double effect, viz., to prevent the person who has committed a crime from repeating the act or omission and to prevent other members of the community from committing similar crimes. The main object of awarding punishments for offences is to create such atmosphere which may become a deterrence for the people who have propensities towards crime and thereby prevention of offences so that the society in which all the members have to live may not feel suffocated, disturbed and prone to unhealthy environment. The measure of punishment, therefore, must vary from time to time according to the condition of a particular crime and other circumstances. The object of punishment being preventive penal policy of State should be to protect the society.

The four different theories of punishment are the following:--

1. **Deterrent :** According to this theory the punishment is awarded to deter people from committing the crime. Emotion of fear play a vital role in man's life. The people fear to commit the crime because it will render them to suffer. The fear of punishment puts a check not only on criminal from committing further crime but also on all other evil minded. In spite of its weaknesses this has not entirely

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