

De Facto IAS
Criminal Law Judgement Writing

In June 2022, 'A' and 'B' were accused of jointly committing the robbery of a jewellery store. According to the prosecution, 'A' and 'B' had planned the robbery together, with 'A' entering the store and threatening the staff with a weapon, while 'B' waited outside in a getaway vehicle. Both 'A' and 'B' were caught fleeing the scene by the police shortly after the incident.

During the trial, 'B' argued that he was not aware that 'A' intended to commit a robbery; he claimed that he believed they were going to the store to legally purchase jewellery. 'B' also stated that he remained in the car throughout the incident and did not actively participate in the robbery. However, evidence presented by the prosecution included text messages between 'A' and 'B' discussing plans that hinted at an illegal act, including mentions of "a big score" and "needing to be quick."

The defence contends that these messages were ambiguous and that 'B's presence at the scene does not necessarily imply a shared intention to commit robbery. 'A' pleaded guilty to robbery and testified that 'B' was involved in the planning.

As the judge presiding over this case, you are required to draft a judgement.

IN THE COURT OF SESSIONS, DISTRICT COURT

State vs. 'A' & 'B'

Session Case No.: XYZ of 2022

Under Section: 392 in conjunction with Section 34 of the Indian Penal Code

Date of Judgment: [Insert Date]

Presiding Judge: Hon'ble Justice [Insert Name]

Prosecution: Government of [State]

Accused: 'A' and 'B'

Charge: Robbery of a jewellery store

JUDGMENT

This case comes before the court following the charges laid against 'A' and 'B' under Section 392 of the Indian Penal Code, read with Section 34, for their alleged roles in the robbery of a jewellery store.

Prosecution's Submissions

The prosecution asserts that both accused had a premeditated plan to commit the robbery. It is submitted that 'A' entered the jewellery store and threatened the staff with a weapon, while 'B' facilitated the crime by waiting in a getaway vehicle outside the store. The prosecution relies on the confession of 'A', who pleaded guilty and testified that 'B' was fully aware of and participated in planning the robbery. Additional evidence includes text messages between 'A' and 'B' discussing "a big score" and the need to be "quick," which the prosecution argues shows clear intent and preparation for the crime.

Defence's Submissions

'B' denies any prior knowledge of 'A's intention to commit robbery, maintaining that he believed they were visiting the store for a lawful purchase. The defence argues that 'B' remained in the car, had no direct involvement in the robbery, and the text messages were too ambiguous to conclusively establish a common intention to commit the crime. The defence highlights the lack of direct evidence tying 'B' to the actual commission of the robbery and challenges the credibility and reliability of 'A's testimony given his self-admitting guilt.

Evidence and Analysis

Text Message Evidence (Section 65B of the Indian Evidence Act): The digital records of the conversations between 'A' and 'B' are critical. While the phrases like "a big score" are ambiguous, they are suggestive when viewed in conjunction with 'A's confession and the circumstances of the case.

Testimony of 'A' (Sections 30 and 133 of the Indian Evidence Act): 'A's testimony implicating 'B', although given in his capacity as a co-accused, carries weight under the law, especially when corroborated by other evidence.

Participation and Presence at the Scene (Section 34 IPC): The role of 'B' as a getaway driver, if proved, constitutes participation under Section 34, which requires a shared intention. The court assesses the nature of 'B's involvement and the extent to which he shared the criminal intent with 'A'.

Conclusion

The court finds that while the text messages alone would not suffice to establish a common intention, they, along with 'A's corroborated testimony and the circumstances of the case, convincingly demonstrate that 'B' was not merely present at the scene but was a participant in the crime with knowledge of and agreement to the criminal plan.

Order

Therefore, the court finds 'B' Guilty of robbery under Section 392, read with Section 34 of the IPC. The clear evidence of prior planning and coordination, coupled with 'B's logistical support at the crime scene, satisfies the burden of proving common intention.

Sentencing will be determined after a separate sentencing hearing, considering the roles and the gravity of the actions of both accused.

This judgement is delivered in open court and is subject to appeal.

Delivered by:

[Insert Judge's Name]

[Insert Judicial Title]

[Insert Date of Judgement]