



1 | CHAPTER 1

CONCEPT OF OFFENCE: ACTUS NON FACIT REUM NISI MENS SIT REA

SYLLABUS

Concept of Offence: Actus non facit reum nisi mens sit rea.

Q1. Distinguish between Attempt and Preparation. [2025]

Answer: -

Basis	Preparation	Attempt
Meaning	Preparation means arranging the means or measures necessary for committing an offence. It involves planning and groundwork.	Attempt means a direct and proximate act towards the commission of an offence after preparation is complete.
Stage of Crime	It is the second stage of crime, coming after intention but before attempt.	It is the third stage , beginning where preparation ends and moving towards execution.
Nature of Act	Acts are remote from the actual commission of the offence.	Acts are proximate and immediately connected with the commission of the offence.
Punishability under BNS	Generally not punishable because the offender still has time to withdraw.	Punishable under Section 62 of the BNS (where no specific provision exists).
Reason for Legal Treatment	Law allows locus poenitentiae (opportunity to repent and abandon the plan).	The accused has crossed the stage of repentance and shown clear criminal intent through action.
Degree of Danger	Considered less dangerous to society because the crime may still not occur.	Considered more dangerous because the offence is on the verge of completion.
Requirement of Proximity Test	Fails the proximity test; acts are too far from the completed offence.	Satisfies the proximity rule ; act is closely connected with the intended crime.
Proof of Mens Rea	Mens rea may exist but is not strongly manifested through conduct.	Mens rea is clearly manifested through overt act towards the offence.
Exceptions	In certain serious cases preparation is punishable (e.g., preparation to wage war – Section 186 BNS;	No such general exception needed because attempt is ordinarily



	depredation – Section 187; preparation for dacoity – Section 310(2)).	punishable.
Illustrative Example	Purchasing a gun or collecting tools to commit theft.	Pointing the gun and pulling the trigger, or breaking open a box to steal.

Q2. Mention some of the mental elements that play a significant part in criminal law with reference to certain offences in the Bharatiya Nyaya Sanhita. [2024, 2017, 2012]

Answer: - Mens rea, or the guilty mind, is a foundational requirement of criminal liability. The Bharatiya Nyaya Sanhita, 2023 (BNS), like the earlier IPC, incorporates various mental elements to determine the degree of culpability of the accused. These mental states—such as intention, knowledge, negligence, recklessness (rashness), and dishonesty—are expressly built into the definitions of numerous offences. Their presence ensures that punishment corresponds to the moral blameworthiness of the offender.

- 1. Intention (Highest Degree of Mens Rea):** - Intention refers to the deliberate and conscious purpose to bring about a particular consequence. It is the most serious form of mens rea and reflects a purposeful design to cause harm. Under the BNS, many grave offences require proof of intention. For instance, the offence of murder (Section 101 BNS) requires intention to cause death or such bodily injury as is likely to cause death. Similarly, voluntarily causing grievous hurt (Section 117 BNS) requires intention to inflict grievous injury. Thus, where intention is proved, the law treats the offence with the greatest severity.
- 2. Knowledge:** - Knowledge denotes awareness of the likely consequences of an act, even if the accused does not specifically desire those consequences. It is a slightly lower degree of culpability than intention but still highly blameworthy. Under the BNS, culpable homicide (Section 100 BNS) may be established where the accused had knowledge that the act was likely to cause death. Likewise, offences relating to receiving stolen property (Section 317 BNS) require knowledge or reason to believe that the property is stolen. Hence, knowledge bridges the gap between deliberate intent and negligent conduct.
- 3. Negligence:** - Negligence refers to the failure to exercise the standard of care that a reasonable and prudent person would observe in similar circumstances. It involves inadvertence rather than conscious wrongdoing, yet the law treats gross negligence as criminal because of the risk it poses to human life. Under the BNS, causing death by negligence (Section 106 BNS) is punishable even in the absence of intention or knowledge. Similarly, negligent conduct with respect to fire or combustible matter (Section 287 BNS) attracts liability where human life is endangered. This reflects the law's concern with careless behaviour that produces serious harm.
- 4. Rashness or Recklessness:** - Rashness (often equated with recklessness) involves conscious disregard of a substantial and unjustifiable risk. The accused is aware of the danger but proceeds with indifference to the consequences. The BNS recognises rash conduct in several offences. Rash driving endangering human life (Section 281 BNS) and acts endangering life or personal safety (Section 125 BNS) are examples where liability arises from reckless disregard for safety. This mental state is more blameworthy than negligence but less than intention.
- 5. Dishonesty:** - Dishonesty is defined in criminal law as the intention to cause wrongful gain to one person or wrongful loss to another. It is a key mental element in property offences under the BNS. Theft



(Section 303 BNS) requires dishonest intention in taking property out of another's possession. Cheating (Section 318 BNS) similarly requires dishonest or fraudulent inducement. The concept ensures that mere taking or inducement is not criminal unless accompanied by a fraudulent design.

The BNS systematically incorporates these mental elements through specific statutory language such as "intentionally," "knowingly," "dishonestly," "fraudulently," "rashly," and "negligently." Courts infer the presence of the guilty mind from surrounding circumstances, conduct of the accused, and the nature of the act. This structured use of mental elements allows the law to differentiate between varying degrees of moral guilt.

Q3. Explain the doctrine of 'actus non fecit reum nisi mens sit rea'. [2025, 2023, 2022, 2021, 2019, 2018, 2017, 2015, 2013]

Answer: - The Latin maxim *actus non facit reum nisi mens sit rea* means that **the act itself does not make a person guilty unless it is accompanied by a guilty mind**. It expresses the fundamental principle of criminal jurisprudence that **both the physical element (actus reus) and the mental element (mens rea)** must generally coexist to constitute a crime.

The doctrine emphasises three essential requirements:

1. **Actus Reus (Guilty Act)** – There must be a voluntary act or omission prohibited by law.
2. **Mens Rea (Guilty Mind)** – The accused must possess a blameworthy mental state such as intention, knowledge, recklessness, or negligence.
3. **Concurrence** – The guilty mind must exist at the time the guilty act is committed.

Thus, mere occurrence of a prohibited act is not sufficient. The prosecution must ordinarily prove that the accused committed the act **with criminal intent**. Absence of mens rea generally negatives criminal liability.

The doctrine is based on principles of fairness and moral blameworthiness:

- Criminal law punishes **culpable conduct**, not innocent mistakes.
- It protects individuals from punishment for **accidental or involuntary acts**.
- It helps determine the **degree and gravity of the offence**.

For example, causing death accidentally without negligence is not murder or culpable homicide because the guilty mind is absent.

Exceptions to the Doctrine

The maxim is **not absolute**. Certain offences dispense with mens rea:

1. **Strict Liability Offences** – Liability arises from mere commission of the act (common in regulatory laws).
2. **Public nuisance and socio-economic offences**
3. **Statutory offences where the legislature excludes mens rea expressly or by necessary implication**

In such cases, the prosecution need not prove intention or knowledge. The Bharatiya Nyaya Sanhita (BNS) substantially embodies this doctrine because most offences under it require proof of a guilty mental state.

Many BNS offences expressly use mental-element words such as - "**Intentionally**" or "**Knowingly**" or "**Fraudulently**" or "**Dishonestly**". These words reflect the continued application of the maxim.



Examples - Murder (BNS Section 101) requires intention or knowledge causing death, **theft (BNS Section 303)** requires dishonest intention and **Cheating (BNS Section 318)** requires fraudulent or dishonest inducement. Thus, under BNS, proving the mental element remains essential in most crimes.

Chapter on General Exceptions (similar to IPC Chapter IV) recognises situations where mens rea is absent, such as Accident, Mistake of fact, Infancy, Insanity, Necessity and Private defence. These provisions reinforce the doctrine by **excusing liability where the guilty mind is missing**.

BNS also recognises offences based on **criminal negligence** (e.g., causing death by negligence). Here, mens rea exists in the form of **rashness or negligence**, showing that some blameworthy mental state is still required.

Although BNS largely follows the mens rea principle, certain statutory offences outside BNS (especially regulatory laws) impose strict liability. Courts may also infer legislative intent to exclude mens rea in limited situations.

Q4. What are the cases to which the doctrine of mens rea does not apply? [2025, 2022, 2021]

Answer: - The maxim *actus non facit reum nisi mens sit rea* lays down that a guilty act must be accompanied by a guilty mind to constitute a crime. However, this principle is not absolute. Modern criminal law recognises several situations where liability may arise even in the absence of mens rea. These are treated as exceptions to the general rule and are justified on grounds of public policy, social protection and administrative efficiency.

- 1. Strict Liability Offences:** - The most important exception is the category of strict liability offences. In such offences, the prosecution is not required to prove the existence of a guilty mind; the mere commission of the prohibited act is sufficient to attract liability. These offences are generally created by statutes dealing with public health, safety, food adulteration, environmental protection and economic regulation. The rationale is that in matters affecting public welfare, the burden of care is placed heavily on individuals and businesses. Indian courts have also recognised this principle in several regulatory offences.
- 2. Absolute Liability (Rule in M.C. Mehta):** - An advanced form of strict liability is the doctrine of absolute liability evolved by the Supreme Court in environmental jurisprudence. Under this rule, particularly in hazardous or inherently dangerous industries, the enterprise is liable for harm caused irrespective of any fault or reasonable care. No defences available under strict liability are permitted. Though primarily civil in nature, it represents a significant dilution of the traditional mens rea requirement in modern liability regimes.
- 3. Public Nuisance and Social Welfare Offences:** - Certain offences relating to public nuisance, food safety, drugs, weights and measures, and pollution control laws often exclude mens rea either expressly or by necessary implication. The objective is preventive rather than punitive. Since these offences affect the community at large, the legislature prioritises enforcement efficiency over proof of guilty intention.
- 4. Statutory Offences Excluding Mens Rea:** - Where a statute clearly or by necessary implication excludes the requirement of mens rea, courts will give effect to legislative intent. The determination depends on the wording, subject matter, and purpose of the statute. If the law uses language indicating absolute prohibition and is aimed at public welfare, mens rea may be dispensed with. However, courts generally lean in favour of requiring mens rea unless exclusion is clear.



5. **Vicarious Liability in Certain Cases:** - In some statutory offences, especially under company law, environmental law, and food safety laws, persons in charge of a company may be held liable for acts committed by the company. Here, liability may arise even without direct proof of personal guilty intention, subject to statutory defences. This operates as a limited exception to the classical mens rea doctrine.
6. **Minor Offences and Regulatory Violations:** - In petty offences and regulatory breaches, particularly those punishable with light penalties, courts sometimes interpret the statute as dispensing with mens rea. The justification lies in administrative convenience and the need for effective enforcement of regulatory frameworks.

The BNS continues to uphold the centrality of mens rea in criminal law. Most offences under the Code expressly require intention, knowledge, dishonesty, fraud or negligence. However, the broader Indian legal system still recognises strict liability offences primarily through special statutes outside the BNS framework. Therefore, while the maxim remains the general rule, the modern criminal justice system accommodates carefully limited exceptions.

Q5. Explain crime with suitable examples. [2023, 2021, 2013, 2011]

Answer: - Crime may be defined as the **intentional commission or omission of an act that is socially harmful and is specifically prohibited and punishable under criminal law**. In simple terms, a crime is any act or conduct that violates the law of a country and attracts legal punishment. A person who commits such an act is called a criminal.

At its core, crime represents behaviour that the State considers harmful to society, individuals, or public order. Not every immoral act is a crime; an act becomes criminal only when it is **defined and penalised by law**. Thus, crime is both a legal and social concept.

Common examples of crimes include murder, rape, kidnapping, theft, causing hurt, rash and negligent acts causing accidents, and illegal possession or sale of prohibited substances.

Essential Elements of Crime

For an act to constitute a crime, the following elements are generally required:

1. **Act or Omission (Actus Reus):** - There must be a voluntary act or unlawful omission. Mere thoughts or intentions without action do not constitute a crime. For example, actually taking someone's property amounts to theft, but merely thinking about it does not.
2. **Guilty Mind (Mens Rea):** - Most crimes require a blameworthy mental state such as intention, knowledge, recklessness, or negligence. This reflects the principle that criminal liability usually arises only when the act is accompanied by a guilty mind.
3. **Injury or Harm:** - The act must result in or be likely to result in harm to an individual, property, society, or the State. Criminal law aims to prevent and punish such harmful conduct.
4. **Prohibition by Law:** - An act becomes a crime only when it is expressly prohibited by statute. The maxim *nullum crimen sine lege* (no crime without law) applies.



- 5. Punishability:** - The act must carry a legal punishment such as imprisonment, fine, or both. Without prescribed punishment, an act is not treated as a crime in the strict legal sense.

Nature and Purpose of Criminal Law

Criminal law serves several important purposes:

- Protection of society and maintenance of public order
- Deterrence of wrongful conduct
- Punishment of offenders
- Reform and rehabilitation of criminals
- Expression of society's moral condemnation of harmful acts

Types of Crimes

Crimes may broadly include:

- **Offences against the human body** – murder, rape, assault, abduction
- **Offences against property** – theft, robbery, cheating
- **Offences against the State** – sedition, waging war
- **Public order offences** – rioting, unlawful assembly
- **Regulatory or victimless crimes** – possession of contraband, certain drug offences

So-called victimless crimes are those where no immediate individual victim is visible, but the law treats the conduct as harmful to society at large.

Crime is fundamentally a **legally prohibited harmful act punishable by the State**. It reflects society's effort to protect individuals and maintain order by condemning and penalising conduct considered dangerous or injurious. While the concept of crime evolves with social values and legislative policy, the central idea remains the same: **acts that threaten social welfare and violate the law invite criminal liability**.

Q6. How many parties of crime are there? [2021, 2013]

Answer: - In criminal law, a crime may involve one or more persons depending on the circumstances of the case. However, in its simplest legal structure, every crime broadly involves two main parties — the offender and the victim. For the purpose of fixing criminal liability, the law further recognises different categories of participants on the side of the offender.

- 1. Accused:** - The first party to a crime is the accused or offender. The accused is the person who commits the prohibited act and is alleged to have violated the criminal law. This person performs the actus reus and generally possesses the required mens rea. Upon proof of guilt, the accused becomes liable for punishment under the Bharatiya Nyaya Sanhita, 2023 (BNS). There may be a single offender or multiple offenders acting together.
- 2. Victim:** - The second party is the victim. The victim is the person, property, or sometimes the community at large that suffers harm because of the criminal act. In offences like murder, theft, rape, or hurt, the victim is usually an identifiable individual. In certain offences such as public nuisance,



counterfeiting, or drug offences, society or the State itself is treated as the victim even if no individual person is directly harmed.

From the standpoint of criminal participation, the law further classifies persons on the offender's side. The principal offender is the person who actually commits the criminal act. This is the main perpetrator whose conduct directly brings about the prohibited harm. Under the BNS, the principal offender bears full criminal responsibility.

3. **Abettor:** - Another important party is the abettor. An abettor is a person who instigates, engages in conspiracy, or intentionally aids the commission of an offence. Even though the abettor may not physically commit the crime, the law treats such participation as blameworthy and punishable because it contributes to the commission of the offence.
4. **Joint Offenders:** - In many cases, crimes are committed by several persons acting together. Where a criminal act is done in furtherance of the common intention of all, each participant is held jointly liable. This principle, recognised under the BNS (similar to the earlier IPC rule), ensures that persons acting with a shared criminal design cannot escape liability merely because only one of them performed the physical act.
5. **Conspirators:** - The law also recognises criminal conspirators as parties to a crime. When two or more persons agree to commit an illegal act or a legal act by illegal means, the offence of conspiracy arises. Liability may attach from the very agreement, even before the planned crime is fully executed.
6. **State or society:** - There are also situations known as victimless crimes, such as unlawful possession of contraband, where no immediate individual victim is visible. In such cases, the State or society is treated as the affected party because the conduct is considered harmful to public welfare.
7. **Corporates:** - In modern criminal law, especially in corporate offences, a company and the persons in charge of its affairs may both be treated as parties to a crime. This ensures accountability in cases where wrongful acts are committed through artificial legal persons.

In conclusion, although every crime fundamentally involves the offender and the victim, criminal law — including the Bharatiya Nyaya Sanhita, 2023 — recognises multiple categories of participants such as principal offenders, abettors, co-offenders, and conspirators. This comprehensive approach ensures that all persons who contribute to criminal wrongdoing are appropriately brought within the net of criminal liability.

Q7. What are the different stages of crime? Discuss with suitable examples. [2023, 2022, 2021, 2013, 2012, 2011]

Answer: - Crime is generally not an instantaneous act but a process that develops through certain stages. Criminal jurisprudence recognises four main stages in the commission of a crime. Understanding these stages is important because criminal liability usually arises only at particular stages recognised by law.

1. **Intention (Mens Rea):** - The first stage is the formation of criminal intention in the mind of the accused. At this stage, a person merely thinks about committing a crime. Criminal law does not ordinarily punish mere intention because thoughts alone do not cause harm and are difficult to prove. However, intention is still important because it forms the mental foundation of the offence and becomes relevant when followed by overt acts.



2. **Preparation:** - The second stage is preparation, which consists of arranging the means or measures necessary for committing the crime. This may include collecting weapons, making plans, or arranging tools required for the offence. As a general rule, preparation is not punishable because a person may still change their mind before committing the offence. However, in certain serious offences such as preparation to wage war, preparation to commit dacoity, or counterfeiting, the law specifically makes preparation punishable.
3. **Attempt:** - The third stage is attempt. An attempt begins when the preparations are complete and the accused takes a direct step toward the commission of the offence but the crime is not completed due to some intervening circumstance. Attempt is punishable because the offender has crossed the stage of mere planning and has manifested criminal intent through overt action. Under the Bharatiya Nyaya Sanhita, 2023, attempt to commit offences is generally punishable unless otherwise provided.
4. **Commission (Completion) of the Crime:** - The final stage is the successful completion of the offence. At this stage, the intended harm actually occurs and the crime is fully accomplished. This stage attracts full criminal liability and punishment as prescribed under the law. For example, causing death with the required intention completes the offence of murder.

The law differentiates between these stages to balance individual liberty and social protection. While mere intention and most preparations are not punishable, attempt and completion are punishable because they pose a real and proximate threat to society. This graduated approach ensures fairness in criminal liability.

Q8. For which crimes, death is the punishment that must be awarded under the Bharatiya Nyaya Sanhita? Discuss with reference to relevant provisions of law? [2019, 2017, 2014]

Answer: - Under the Bharatiya Nyaya Sanhita (BNS), 2023, the death penalty is reserved for the most heinous crimes, including murder, gang rape of a girl under 18, terrorism resulting in death, and organized crime causing death. It acts as an alternative to life imprisonment, ensuring the ultimate penalty for severe offenses against the state and individuals.

Key offences punishable by death under the BNS include:

- **Murder (Section 103):** Punishment includes death or imprisonment for life.
- **Mob Lynching (Section 103(2)):** Murder by five or more people based on race, caste, community, sex, place of birth, language, or personal belief.
- **Gang Rape of a Woman under 18 (Section 70(2)):** Punishable with life imprisonment (for the remainder of natural life) or death.
- **Terrorist Act Resulting in Death (Section 113):** Terrorism leading to death is punishable by death or life imprisonment.
- **Organized Crime Resulting in Death (Section 111):** Commission of organized crime causing death is punishable by death or life imprisonment.
- **Kidnapping for Ransom/Murder (Section 140):** Kidnapping or abducting in order to murder or for ransom.
- **Abetment of Mutiny (Section 160):** If the mutiny is actually committed in consequence.



- **Fabricating Evidence Causing Execution (Section 230(2)):** Giving or fabricating false evidence upon which an innocent person is convicted and executed.

These provisions often provide the court with the discretion to choose between life imprisonment and the death penalty, focusing on "rarest of rare" cases.

Q9. An act itself does not constitute a crime. Explain with reference to the Bharatiya Nyaya Sanhita. [2024]

OR

Q10. How far is the doctrine of mens rea applicable to offences under the Bharatiya Nyaya Sanhita? [2019]

OR

Q11. Do you consider that the doctrine of mens rea is wholly out of place in so far as Bharatiya Nyaya Sanhita is concerned? [2018]

Answer: - Mens rea, meaning a guilty mind, is a foundational principle of criminal jurisprudence. The Bharatiya Nyaya Sanhita, 2023 (BNS) substantially retains this classical doctrine by embedding mental elements into the definition of most offences.

BNS strongly inculcates the fact that it is not the act which is punishable but the act accompanied with the guilty mind which is punishable and this application of mens rea in the BNS can be understood through the following points.

1. **Mens Rea as a Fundamental Requirement:** - The BNS continues the traditional rule that criminal liability generally arises only when a wrongful act is accompanied by a blameworthy mental state. The maxim *actus non facit reum nisi mens sit rea* remains implicit in the structure of the Code. Most offences under the BNS require proof of intention, knowledge, recklessness, or negligence, thereby affirming the centrality of mens rea in Indian criminal law.
2. **Use of Express Mental Elements in Offence Definitions:** - A major way in which mens rea operates in the BNS is through the deliberate use of words such as "intentionally," "knowingly," "dishonestly," "fraudulently," and "voluntarily." These expressions make the guilty mind an essential ingredient of the offence. Unless the prosecution proves the required mental state along with the actus reus, conviction cannot ordinarily be sustained.
3. **Offences Requiring Specific Intent:** - Several serious offences under the BNS demand proof of specific intention or knowledge. For example, offences like murder require intention to cause death or knowledge that the act is likely to cause death. Similarly, property offences such as theft and cheating require dishonest or fraudulent intention. This shows that the BNS links the gravity of punishment with the degree of culpable mental state.
4. **Recognition of Negligence and Rashness as Mens Rea:** - The BNS also recognises that mens rea does not always mean deliberate intention. In offences involving rash or negligent acts, criminal liability arises from a lesser but still blameworthy mental state. Thus, causing death or injury by negligence is punishable because the law treats gross carelessness as a form of culpable mental condition.



5. **Role of General Exceptions:** - The chapter on General Exceptions under the BNS reinforces the importance of mens rea by excusing liability where the guilty mind is absent. Defences such as accident, mistake of fact, insanity, infancy, necessity, and private defence operate on the principle that the accused lacked the requisite mental element. These provisions demonstrate the continued commitment of the BNS to moral blameworthiness.
6. **Joint Liability and Common Intention:** - The BNS incorporates the principle of joint liability where several persons act in furtherance of a common intention. Here, mens rea is applied collectively. Even if only one person performs the physical act, all participants sharing the common intention may be held liable. This reflects an expanded but still mental-state-based attribution of criminal responsibility.
7. **Limited Scope of Strict Liability:** - While the BNS largely follows the mens rea principle, the broader legal system recognises certain statutory offences where mens rea may be excluded. However, such strict liability offences are exceptions and are usually found in special regulatory laws rather than in the core provisions of the BNS. Courts generally presume the requirement of mens rea unless clearly excluded by statute.
8. **Evidentiary Importance in Criminal Trials:** - In prosecutions under the BNS, establishing mens rea remains a crucial burden on the prosecution. Courts infer the mental state from surrounding circumstances, conduct of the accused, and the nature of the act. The requirement of proving the guilty mind acts as an important safeguard against wrongful conviction.

The Bharatiya Nyaya Sanhita, 2023 firmly preserves the doctrine of mens rea as the backbone of criminal liability. Through explicit mental elements in offence definitions, recognition of negligent culpability, and the framework of general exceptions, the BNS ensures that punishment is ordinarily imposed only on morally blameworthy conduct. At the same time, limited departures through strict liability reflect the law's effort to balance individual justice with social protection.

Q12. Is only the preparation of crime punishable under the Bharatiya Nyaya Sanhita? [2011]

Answer: - The Bharatiya Nyaya Sanhita, 2023 (BNS), like the earlier Indian Penal Code, generally follows the principle that **mere preparation for a crime is not punishable**. Criminal law ordinarily intervenes only when the accused crosses the stage of preparation and enters the stage of attempt or completes the offence. This approach balances individual liberty with the need to prevent crime.

1. General Rule: Preparation Not Punishable

As a rule, preparation consists of arranging the means or measures necessary for committing an offence, such as collecting weapons or making plans. Under the BNS, such preparatory acts are usually not punishable because the accused may still abandon the criminal design. The law recognises the possibility of repentance and therefore does not penalise acts that are still remote from the actual harm.

The primary justification is that preparation is often equivocal and does not necessarily prove a firm criminal intent. Many preparatory acts may also be innocent in nature. Punishing preparation in every case would risk criminalising mere suspicion and interfere excessively with personal freedom. Therefore, the law waits until the conduct becomes sufficiently proximate to the intended offence.

2. Punishable Preparation: Exceptional Cases



Despite the general rule, the BNS expressly makes preparation punishable in certain serious offences where the mere act of preparation poses a grave threat to society or the State. Notable instances include preparation to commit dacoity, assembling for the purpose of committing dacoity, and preparation to wage war against the Government of India. In such cases, the legislature treats preparation itself as sufficiently dangerous to warrant punishment.

- **Preparation for Dacoity:** - Under the BNS (Section 310(4) and related provisions), making preparation to commit dacoity is punishable. Dacoity is considered a highly organised and violent offence; therefore, even preparatory steps are viewed as a serious threat to public safety.
- **Preparation to Wage War:** - Preparation to wage war against the Government of India (Section 149 BNS) is also punishable. Offences against the State are treated with special severity because the mere preparation can endanger national security and public order.

The BNS clearly distinguishes preparation from attempt. Attempt begins when the accused takes a direct step toward the commission of the offence after completing preparation. Under Section 61 BNS, attempts are generally punishable even if the offence is not completed. This marks the stage at which criminal liability ordinarily attaches.

Once the crime is fully carried out, full punishment follows under the relevant substantive provision of the BNS. Thus, the law primarily targets the stages of attempt and commission rather than mere preparation.

It can be concluded that **mere preparation for a crime is generally not punishable under the Bharatiya Nyaya Sanhita, 2023**. The law intervenes primarily at the stages of attempt and commission. However, in exceptional and serious offences—such as preparation for dacoity or waging war—the BNS expressly criminalises preparation itself in the interest of public safety and national security. This framework reflects a careful balance between preventing crime and preserving individual liberty.