

INDIA PENAL CODE

CONCEPT OF CRIME: -

1. AS A PUBLIC WRONG

AN ACT COMMITTED OR OMITTED IN VIOLATION OF A PUBLIC LAW FORBIDDING OR COMMANDING IT.

A CRIME IN VIOLATION OF THE PUBLIC RIGHTS AND DUTIES DUE TO THE WHOLE COMMUNITY, CONSIDERED AS A COMMUNITY.

A CRIME IS A VIOLATION OF A RIGHT, CONSIDERED IN REFERENCE TO THE EVIL TENDENCY OF SUCH VIOLATION AS REGARDS THE COMMUNITY AT LARGE.

AS A MORAL WRONG: -

GREEK WORD 'KRIMOS', SYNONYM TO SANSKRIT WORK 'KRAMA' MEANING SOCIAL ORDER.

THOSE ACTS THAT GO AGAINST SOCIAL ORDER AND ARE WORTHY OF SERIOUS CONDEMNATION.

IMMORAL AND ANTI-SOCIAL ACTS.

CRIME IS AN IMMORAL AND HARMFUL ACT THAT IS REGARDED AS CRIMINAL BY PUBLIC OPIONION BECAUSE IT IS AN INJURY TO SO MUCH OF THE MORAL SENSE AS IS POSSESSED BY A COMMUNITY – A MEASURE WHICH IS INDISPENSABLE FOR THE ADAPTATION OF THE INDIVIDUAL TO SOCIETY.

AS A CONVENTIONAL WRONG: -

CRIMINAL BEHAVIOUR IS A BEHAVIOUR IN VIOLATION OF THE CRIMINAL LAW.

NO MATTER WHAT THE DEGREE OF IMMORALITY, REPREHENSIBILITY, OR INDECENCY OF AN ACT, IT IS NOT CRIME UNLESS IT IS PROHIBITED BY THE CRIMINAL LAW.

CHARACTERISTICS, WHICH DISTINGUISH THIS BODY OF RULES REGARDING HUMAN CONDUCT FROM OTHER RULES, ARE THEREFORE,

POLITICALITY,

SPECIFICITY,

UNIFORMITY AND

PENAL SANCTION.

AS A SOCIAL WRONG

CRIME IS AN ACT THAT HAS BEEN SHOWN TO BE ACTUALLY HARMFUL TO SOCIETY,

OR

THAT IS BELIEVED TO BE SOCIALLY HARMFUL BY A GROUP OF PEOPLE THAT HAS THE POWER TO ENFORCE ITS BELIEFS,

AND

THAT PLACES SUCH ACT UNDER THE BAN OF POSITIVE PENALTIES.

AS A PROCEDURAL WRONG:-

A WRONG WHICH IS PURSUED BY THE SOVEREIGN OR HIS SUBORDINATES IS A CRIME.

A WRONG WHICH IS PURSUED AT THE DISCRETION OF THE INJURED PARTY AND HIS REPRESENTATIVES IS A CIVIL INJURY.

CRIMES ARE WRONGS WHOSE SANCTION IS PUNITIVE, AND IS IN NO WAY REMISSIBLE BY ANY PRIVATE PERSON, BUT IS REMISSIBLE BY THE CROWN ALONE, IF REMISSIBLE AT ALL.

AS A LEGAL WRONG

WHEN A PENAL STATUTE PRESCRIBES PUNISHMENT FOR AN ACT OR ILLEGAL OMISSION IT BECOMES A CRIME.

CRIME IS AN ACT OF COMMISSION OR AN ACT OF OMISSION ON THE PART OF A HUMAN BEING, WHICH IS CONSIDERED HARMFUL BY THE STATE.

THE TRASGRESSION OF SUCH HARMFUL ACTS IS PREVENTED BY A THREAT OR SANCTION OF PUNISHMENT ADMINISTERED BY THE STATE; AND

THE GUILT OF THE ACCUSED IS DETERMINED AFTER THE ACCUSATION AGAINST HIM HAS BEEN INVESTIGATED IN LEGAL PROCEEDINGS OF A SPECIAL KIND IN ACCORDANCE WITH THE PROVISIONS OF LAW.

CRIMINAL LAW AS PROTECTION OF PRIMARY PERSONAL RIGHTS

1. EVERY PERSON HAS THE RIGHT TO LIFE
- 2 .EVERY PERSON HAS THE RIGHT TO INVIOABILITY OF HIS LIFE OR HER BODY
3. EVERY PERSON HAS THE RIGHT TO FREEDOM OF MOVEMENT.
- 4 .EVERY PERSON HAS THE RIGHT TO SECURITY OF PERSON.
5. EVERY PERSON HAS THE RIGHT TO SECURITY OF HABITATION.
6. EVERY PERSON HAS THE RIGHT TO SECURITY AND ENJOYMENT OF PROPERTY.

PRINCIPLES OF CRIMINAL LIABILITY: -

“actus non facit reum, nisi mens sit rea”

THERE ARE TWO COMPONENTS OF EVERY CRIME, A PHYSICAL ELEMENT AND A MENTAL ELEMENT, USUALLY CALLED *actus reus* and *mens rea* RESPECTIVELY.

ACTUS REUS: -

THE WORD *actus* CONNOTES A ‘deed’ A PHYSICAL RESULT OF HUMAN CONDUCT.

THE WORD *reus* means ‘forbidden by law.

THE *actus reus* IS MADE UP OF THREE CONSTITUENT PARTS, NAMELY: -

1. HUMAN ACTION : ‘CONDUCT’
2. RESULT OF CONDUCT
3. ACTS PROHIBITED BY LAW

MENS REA

SOME BLAMEWORTHY MENTAL CONDITION.

THERE MUST BE A MIND AT FAULT TO CONSTITUTE A CRIME .

THE ACT BECOMES CRIMINAL WHEN THE ACTOR DOES IT WITH A GUILTY MIND.

CAUSING INJURY TO AN ASSAILANT IN SELF-DEFENCE IS NOT A CRIME, BUT THE MOMENT INJURY IS CAUSED WITH INTENT TO TAKE REVENGE, THE ACT BECOMES CRIMINAL.

MENS REA TAKES ON DIFFERENT COLOURS IN DIFFERENT SURROUNDINGS: -

IN THE CASE OF MURDER, IT IS THE INTENT TO CAUSE DEATH,

IN THE CASE OF THEFT, AN INTENTION TO STEAL,

IN THE CASE OF RAPE, AN INTENTION TO HAVE FORCIBLE SEXUAL INTERCOURSE WITH A WOMAN WITHOUT HER CONSENT.

IN THE CASE OF RECEIVING STOLEN GOODS, KNOWLEDGE THAT THE GOODS WERE STOLEN.

INTENTION

INTENTION MEANS A PURPOSE OR DESIRE TO BRING ABOUT A CONTEMPLATED RESULT OR FORESIGHT THAT CERTAIN CIRMUSTANCES WILL FOLLOW FROM THE CONDUCT OF THE PERSON.

MOTIVE IS THE REASON OR GROUND OF AN ACTION, WHEREAS INTENTION IS THE VOLITION OR ACTIVE DESIRE TO DO AN ACT.

INTENTION IS AN OPERATION OF THE WILL DIRECTING AN OVERT ACT , WHILE MOTIVE IS THE FEELING THAT PROMPTS THE OPERATION OF THE WILL THE ULTERIOR OBJECT OF THE PERSON WILLING..

AN INTENTION TO COMMIT AN OFFENCE MAY BE INFERRED FROM KNOWLEDGE, THOUGH, AT TIMES, INTENTION AND KNOWLEDGE IS THE AWARNESS OF THE CONSEQUENCES OF AN ACT.

RECKLESSNESS

STATE OF MIND OF A PERSON WHO FORESEES THE POSSIBLE CONSEQUENCES OF HIS CONDUCT, BUT ACTS WITHOUT ANY INTENTION OR DESIRE TO BRING THEM ABOUT.

A MAN IS SAID TO BE RECKLESS WITH RESPECT TO THE CONSEQUENCES OF HIS ACT, IF HE FORESEES THE PROBABILITY THAT IT WILL OCCUR,

BUT DOES NOT DESIRE IT NOR CONSEQUENCES, OR THAT HE DOES NOT CARE WHAT HAPPENS.

AN ATTITUDE OF MENTAL INDIFFERENCE TO OBVIOUS RISK.

NEGLIGENCE: -

WANT OF CARE AND PRECAUTIONS, WHICH A REASONABLE MAN WOULD HAVE TAKEN UNDER THE PARTICULAR CIRCUMSTANCES OF THE CASE.

IT IS THE STATE OF MIND OF A MAN, WHO PURSUES A COURSE OF CONDUCT WITHOUT ADVERTING AT ALL TO ITS CONSEQUENCES.

NEGLIGENCE DOES NOT INDICATE A SPECIFIC ATTITUDE OF MIND, BUT STATES A MATTER OF FACT, WHICH MAY BE RESULT OF EITHER INTENTIONAL OR NEGLIGENCE ACT.

MENS REA UNDER THE INDIAN PENAL CODE: -

THE PROVISIONS AS TO STATE OF MIND REQUIRED FOR A PARTICULAR OFFENCE HAVE BEEN ADDED IN THE SECTIONS ITSELF BY USING SUCH WORDS AS

**INTENTIONALLY,
KNOWINGLY,
VOLUNTARILY,
FRAUDULENTLY,
DISHONESTLY,**

DEPENDING ON THE GRAVITY OF THE OFFENCE CONCERNED.

CRIMES MAY BE CLASSIFIED INTO THREE CATEGORIES:-

1. THOSE ACTS THAT ARE NOT CRIMINAL IN ANY REAL SENSE, BUT ARE OF A QUASI-CRIMINAL NATURE AND ARE PROHIBITED IN PUBLIC INTEREST UNDER A PENALTY.

FOR EXAMPLE: - CASES OF PUBLIC WELFARE OFFENCES,

SOCIAL AND ECONOMIC OFFENCES,

OFFENCES RELATING TO FOODS AND DRUGS,

WEIGHTS AND MEASURES,

LICENSING,

ROAD TRAFFIC,

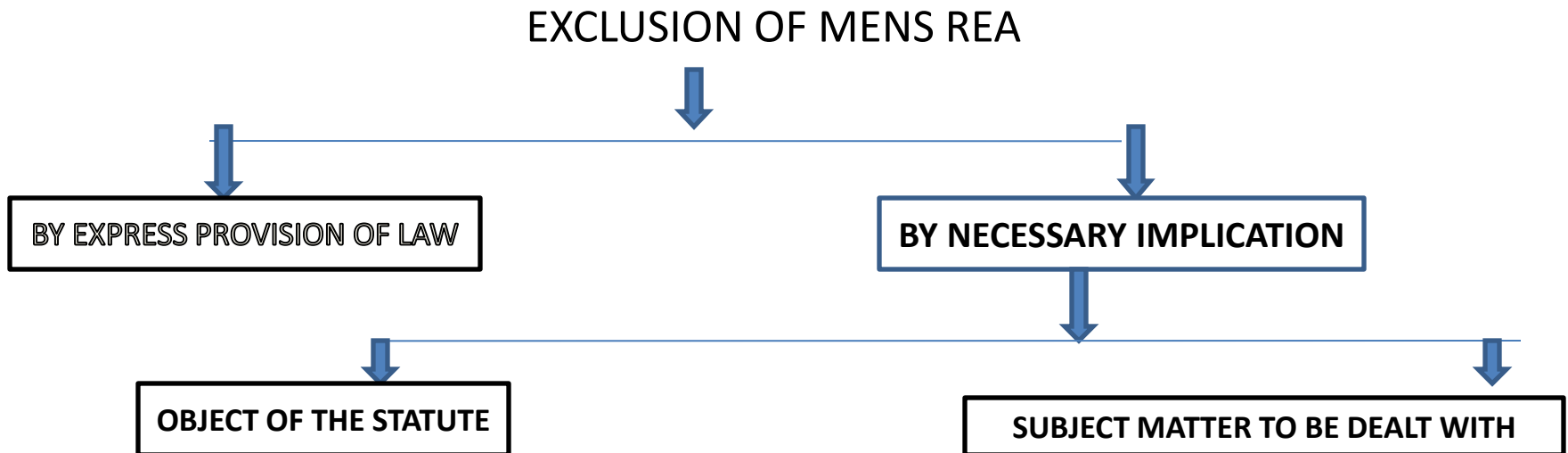
REVENUE OFFENCES ETC.

THE SECOND CATEGORY INCLUDES CASES OF
PUBLIC NUISANCE,
LIBEL AND
CONTEMPT OF COURT ETC.

THE THIRD CATEGORY INCLUDES CASES IN WHICH, ALTHOUGH THE
PROCEEDING IS CRIMINAL, IT IS REALLY A MODE OF ENFORCING A CIVIL
RIGHT, FOR EXAMPLE, CASES OF VIOLATIONS OF MUNICIPAL LAWS AND
REGULATIONS ETC.

EXCLUSION OF MENS REA: -

FROM STATUTORY OFFENCES IS JUSTIFIED ON THE GROUND THAT SUCH LAWS AER ENACTED BY THE LEGISLATURE TO PRESERVE AND PROTECT SOCIAL AND ECONOMIC INTEREST OF THE COMMUNITY, WHICH REQUIRES STRICT ADHERENCE TO SUCH LAWS.



EXEMPTIONS FROM CRIMINAL LIABILITY



EXCUSABLE ACT

JUSTIFIABLE ACT

EXCUSABLE ACT ARE

1. MISTAKE OF FACT

2. INCAPACITY

(i) INFANCY

(ii) INSANITY

(iii) INTOXICATION

3. ACCIDENT

JUSTIFIABLE ACTS ARE

1. JUDICIAL ACT. (i) ACT OF JUDGE
(ii) ACT DONE IN
PURSUANCE OF AN ORDER OF AN
COURT.

2. NECESSITY.

3. DURESS

4. CONSENT

5. COMMUNICATION

6. TRIVIAL

7. PRIVATE DEFENCE

SPECIFIC OFFENCES UNDER THE INDIAN PENAL CODE

1. OFFENCES AFFECTING THE STATE
2. OFFENCES AFFECTING COMMON WELL BEING
3. OFFENCES AFFECTING HUMAN LIFE
4. OFFENCES AFFECTING HUMAN BODY.
5. OFFENCES AFFECTING PROPERTY
6. OFFENCES AFFECTING REPUTATION
7. OFFENCES RELATING TO MARRIAGE.

1. OFFENCES AFFECTING LIFE (SS. 299 TO 311)

(i) CULPABLE HOMICIDE (SS. 299 TO 311)

(ii) MURDER (ss.300, 302)

EXCEPTIONS TO S.300: - CULPABLE HOMICIDE NOT AMOUNTING TO MURDER

EXCEPTION I –PROVOCATION

EXCEPTION II – PRIVATE DEFENCE

EXCEPTION III- EXERCISE OF LEGAL POWER

EXCEPTION IV- SUDDEN FIGHT

EXCEPTION V - CONSENT

OFFENCES AFFECTING HUMAN BODY: -

HURT: -

(i) **SIMPLE** : - WHOEVER CAUSES BODILY PAIN, DISEASE OR INFIRMITY TO ANY PERSON IS SAID TO CAUSE HURT.

(ii) **GRIEVOUS**: - THE FOLLOWING KINDS OF HURT ONLY ARE DESIGNATED AS 'GRIEVOUS'

1. EMASCULATION
2. PERMANENT PRIVATION OF THE SIGHT OF EITHER EYE.
3. PERMANENT PRIVATION OF THE HEARING OF EITHER EAR.
4. PRIVATION OF ANY MEMBER OF JOINT
5. DESTRUCTION OF PERMANENT IMPAIRING OF THE POWERS OF ANY MEMBER OR JOINT.
6. PERMANENT DISFIGURATION OF THE HEAD OR FACE.
7. FRACTURE OR DISLOCATION OF A BONE OR TOOTH
8. ANY HURT WHICH ENDANGES LIFE OR WHICH CAUSES THE SUFFERER TO BE DURING THE SPACE OF TWENTY TDAYS IN SEVERE BODILY PAIN, OR UNABLE TO FOLLOW HIS ORDINARY PURSUITS.

AGGRAVATED FORM OF HURT AND GRIEVOUS HURT

CIRCUMSTANCES	HURT	GRIEVOUS HURT
<p>INJURY CAUSED BY (a) DANGEROUS WEAPON LIKELY TO CAUSE DEATH BY (b) FIRE, © ANY HEATED SUBSTANCE (D) POISON (E) ANY EXPLOSIVE SUBSTANCE (F) ANY DELETERIOUS SUBSTANCE OR (G) BY MEANS OF ANY ANIMAL.</p>	<p>UPTO THREE YEARS AND/OR FINE.(S. 324)</p>	<p>UPTO TEN YEARS AND FINE (S. 326)</p>
<p>INJURY INFLICTED FOR PURPOSE OF EXTORTING PROPERTY OR VALUABLE SECURITY, OR TO CONSTRAIN SOMEONE TO DO ANYTHING ILLEGAL, OR TO FACILITATE THE COMMISSION OF AN OFFENCE.</p>	<p>UPTO TEN YEARS AND FINE (S.327)</p>	<p>UPTO TEN YEARS AND FINE (S.326)</p>
<p>INJURY CAUSED BY ADMINISTERING POISON OR ANY DRUG WITH INTENT TO COMMIT OR FACILITATE THE COMMISSION OF AN OFFENC</p>	<p>UPTO TEN YEARS AND FINE (S.328)</p>	

INJURY INFLICTED FOR PURPOSE OF (a) EXTORTING A CONFESSION OR (b) COMPELLING RESTORATION OF ANY PROPERTY	UPTO SEVEN YEARS AND FINE (S.330)	UPTO TEN YEARS AND FINE (S.333)
INJURY TO A PUBLIC SERVANT IN THE DISCHARGE OF HIS DUTY	UPTO TO THREE YEARS AND/OR FINE (S. 332)	UPTO TEN YEARS AND FINE.(S.331)
INJURY INFLICTED DUE TO GRAVE AND SUDDEN PROVOCATION	UPTO ONE MONTH AND/OR FINE UPTO RS. 500(S.334)	UPTO FOUR YEARS AND/OR FINE UPTO RS.2000(S.335)
INJURY INFLICTED BY ACTING SO RASHLY OR NEGLIGENCELY AS TO ENDANGER HUMAN LIVES OR THE PERSONAL SAFETY OF OTHERS	UPTO SIX MONTHS AND/OR FINE UPTO Rs. 500 (s. 337)	UPTO TWO YEARS AND/OR FINE UP TO RS. 1000 (S. 338)

ADULTERATION OF FOOD, DRINK AND DRUGS: -

S. 274: - ADULTERATION OF DRUGS

WHOEVER ADULTERATES ANY DRUG OR MEDICAL PREPARATION IN SUCH A MANNER AS TO LESSEN THE EFFICACY OR CHANGE THE OPERATION OF SUCH DRUG OR MEDICAL PREPARATION, OR TO MAKE TO NOXIOUS, INTENDING THAT IT SHALL BE SOLD OR USED FOR, OR KNOWING IT TO BE LIKELY THT IT WILL BE SOLD OR USED FOR, ANY MEDICINAL PURPOSE, AS IF IT HAD NOT UNDERGONE SUCH ADULTERATIO, SHALL BE PUNISHED WITH IMPRISONMENT OF EITHER DESCRIPTION FOR A TERM WHICH MAY EXTEND TO SIX MONTHS, OR WITH FINE WHICH MAY EXTEND TO ONE THOUSAND RUPEES, OR WITH BOTH.

S. 275 SALE OF ADULTERATED DRUGS: -

WHOEVER KNOWING ANY DRUG OR MEDICAL PREPARATION TO HAVE BEEN ADULTERATED IN SUCH A MANNER AS TO LESSEN ITS EFFICACY, TO CHANGE ITS OPERATION, OR TO RENDER IT NOXIOUS, SELLS THE SAME, OR OFFERS OR EXPOSES IT FOR SALE, OR ISSUES IT FROM ANY DISPENSARY FOR MEDICINAL PURPOSES BY ANY PERSON NOT KNOWING OF THE ADULTERATION, SHALL BE PUNISHED WITH IMPRISONMENT OF EITHER DESCRIPTION FOR A TERM WHICH MAY EXTEND TO SIX MONTHS, OR WITH FINE WHICH MAY EXTEND TO ONE THOUSAND RUPEES, OR WITH BOTH.

S. 276 SALE OF DRUG AS A DIFFERENT DRUG OR PREPARATION: -

WHOEVER KNOWINGLY SELLS, OR OFFERS OR EXPOSES FOR SALE, OR ISSUES FROM A DISPENSARY FOR MEDICINAL PURPOSE, ANY DRUG OR MEDICAL PREPARATION, AS A DIFFERENT DRUG OR MEDICAL PREPARATION, SHALL BE PUNISHED WITH IMPRISONMENT OF EITHER DESCRIPTION FOR A TERM WHICH MAY EXTEND TO SIX MONTHS, OR WITH FINE WHICH MAY EXTEND TO ONE THOUSAND RUPEES, OR WITH BOTH.

THANK YOU