

Legal Concepts - Crime & Civil Wrong

CRIME

CIVIL WRONG

1. Act or omission
2. Guilty intention

- Consequence=Punishment to the wrong doer

1. Act or omission
2. Infringement of a right

- Consequence= Any other but not punishment to the wrong doer

- **Problem 1:** On 4.4.2020, Raghav, his wife Yamini Priya and her two younger sisters visited a beach. Though others preferred to stay on the bank, Yamini Priya was thrilled and decided to take a dip in the sea. Of course, Raghav shouted at his wife warning “Yamini, sea thrills but kills”. Yamini Priya entered the sea and thereafter got caught in a dangerous situation and was unable to come out of the dangerous situation and started crying for help. Raghav did not try to help his wife, though the sisters of Yamini Priya requested him earnestly to help Yamini Priya and unfortunately she got drowned & died. In fact, Raghav is a good swimmer and has made a name by winning a few competitions as a swimmer. Has Raghav committed any wrong?

- **Problem 2: Rajani and Subhash are wife and husbands living in Delhi. Both are Hindus. Subhash wanted to marry another girl by name Roja. Subhash and Roja have decided to marry at Dehradun on 11/07/2020 at 11:00 a.m. without the knowledge of Rajani. In Delhi, Rajani met with an accident and died on the spot on 11/07/2020 at 10:50 a.m. The marriage was performed at 11:00 a.m. Is Subhash liable for bigamy?**

- **Problem 3: In the ticket counter of a Cinema Theatre there was an altercation between Suresh and Dharm, who were not acquainted with each other at that time. Consequently Dharm became so impatient that he gave a punch in the stomach of Suresh, as a consequence of which Suresh died. Both are young men around 25. Is Dharm guilty of murder?**

- **Problem 4: With respect to problem 3, what if Dharam merely pushes Suresh in the fight and Suresh slips and falls on a stone which has a sharp edge and Suresh is fatally injured and dies as a consequence?**

- **Problem 5: On 12.2.2020, Ankit was insulted by Bablu in the presence of Ankit's colleagues for not repaying the debt which Ankit owes to Bablu. Ankit decides to retaliate by killing Bablu. For that purpose he purchases a knife and writes a letter to Kumar, his brother stating that he is going to kill Bablu. Before the letter was posted, by chance, Ankit's roommate reads the letter and hands over the same to police. Is Ankit liable for committing any offence?**

- **Problem 6: Chotu, a six years old child, while was with his mother in an Aquarium, has thrown a ball with a lot of force at a Fish Tank (Glass Showcase) and the tank blasted. As a result, the showcase got destroyed and a few expensive fish died before the fish were put back into another safe tank. Does the action of the child constitute any wrong inviting liability?**

- **Problem 7 : What if the child while playfully jumping from one place to another place, slips and falls on the fish tank, though it is not slippery?**

- **Problem 8: Anand was a qualified voter at a parliamentary election, but Bikram, a returning officer, wrongfully refused to take anand's vote. In fact, no loss was caused to anand by such refusal because the candidate for whom he wanted to vote won the election with a huge margin. Further one vote does not matter. Is there a wrong committed by Bikram and what about the remedy to Anand?**

- **Problem 8: Snoopy is a pet dog of Jaiveer. Snoopy has a vicious or savage propensity (dangerous and harmful by nature) and the same is within the knowledge of Jaiveer. At around 7 A.M. in the morning Jaiveer takes his pet dog for a walk. On 1-6-2019, Jaiveer as usual was taking snoopy for a walk. It was tied to a chain and the chain was in the control of Jaiveer. There was a call on the mobile of Jaiveer and in the process of answering the phone call Jaiveer carelessly left the chain and thus lost control of snoopy. Before Jaiveer could take control of Snoopy, it attacked Naresh a passerby. Discuss the liability of Jaiveer.**

- **Gloucester Grammar School Case:**
There, the defendant, a schoolmaster, set up a rival school to that of the plaintiffs. Because of the competition, the plaintiffs had to reduce the fees from 40000 to 12000 per scholar per month. Do the plaintiffs have a remedy for the loss suffered by them?

INGREDIENTS:

- **Crime=Act or Omission prohibited by law
+ guilty intention(liability =punishment)**

- **Civil wrong=A or O prohibited by law
+ Injury (Infringement of a right)
[liability=compensation]**

- 1. A crime is an act committed or omitted in violation of a Public Law forbidding or commanding it (True/False).**
- 2. A civil wrong is an infringement of the legal right of an individual (or a group /association/organization /corporation etc.,) which does not affect the society in general and is (can be) redressible by monetary compensation (True/False).**

- **Generally, result plays a significant role with respect to civil wrongs while act plays that role with respect to crime(True/False)**
- **Domestic Violence Act 2005 is essentially a civil law (True/False)**

Domestic Violence Act 2005

- The remedies envisaged under the Domestic Violence Act 2005 Act, are that of the power of the court to pass “protection orders” “residence orders”, (providing for woman’s right to secure housing) *appointment of Protection Officers and NGOs* to provide assistance to the woman with respect to medical examination, legal aid, safe shelter, etc.

Scienter rule

- For the purpose of the scienter rule, the animals have been divided into two categories: (a) animals dangerous by nature (Lions, tigers, bears, elephants, zebras, monkeys etc.,) (b) animals harmless by nature (Horses, camels, cows, dogs, cats, rabbits etc.,).

Scienter rule

- In case of dangerous animals, the knowledge as to its dangerous nature is conclusively presumed and the person having their control will be liable for the damage caused by their escape even without any proof of negligence on his part. With respect to animals harmless by nature, the person having their control (keeper of the animal) is not liable for damage done by them unless it can be proved that the particular animal in question had a vicious or savage propensity and the person having its control had knowledge of the same.

Distinction between civil and criminal wrongs

- The distinction between civil and criminal wrongs depends on the nature of the remedy provided by law. A civil proceeding concerns with the enforcement of some right claimed by the plaintiff as against the defendant whereas criminal proceedings have for their object the punishment of the accused for some act of which he is accused (True/False)**

No	Crime	Civil wrongs
1)	Crime is a Wrong against Society	Civil Wrong is against a private individual or individuals
2)	Remedy against crime is Punishment	Remedy against civil wrong is Damages
3)	The proceeding in case of Crime is are criminal proceed	In case of Civil wrong , they are civil proceedings
4)	In Crime, intention is an essential element.	In civil, intention is not relevant
5)	In Crime , State brings action against Criminal	Aggrieved person has to bring action