



Sultan-ul-Uloom, College of Law

Law of Crimes

Compiled by : Mohammed Abdul Kareem,

Email : wecare.ak@gmail.com ; lawstudentsfederation@gmail.com

Phone : 7799224814

(Law of crimes) IPC

Big questions

- 1) Define crime and its stages and distinguish between crime and torts and crime and contracts.
- 2) Define abetment and conspiracy and explain its provisions and distinguish between them.
- 3) Briefly explain various offences against public tranquillity.
- 4) Explain the provisions of culpable homicide and murder and distinguish between them substantiate your answer with relevant cases.
- 5) Explain the crimes of theft, extortion, robbery, dacoity and distinguish between them.
- 6) Explain the provisions of crime of cheating and criminal trespass.
- 7) Explain all sexual offences with relevant case laws.
- 8) What are various offences relating to marriage? Explain your answer with relevant cases.

II

Short answers

- 1) Theories of punishments.
- 2) Jurisdictions of criminal court.
- 3) Public servant.
- 4) Good faith.
- 5) Wrongful restraint & wrongful confinement
- 6) Kidnapping and abduction.
- 7) Define of body and property
- 8) Sedition
- 9) Affray.

- 10) Public Nuisance.
- 11) Forgery.
- 12) False evidence.
- 13) Adultery.
- 14) Grievous hurt.
- 15) Criminal force.

The form offence are crime is define U/S 40 under offence means any act prohibited by state under any criminal law and punishable with imprisonment or fine or both. Crime is committed against person family society & the stat and therefore there is state machinery to punish the criminal's ace to laws



Stages of crime: There are 4 stages of crime.

1) Mensrea or intention: - it means all mental elements such as bad intention, negligence ill will only mensrea is not punishable because law control external act and not internal thinking. There is a latin maxim "Actus facit revm nisi rens cit rea". It means act is guilty when mind is guilty.

2) Preparation: - preparation is also punishable for some crimes. If there preparation then there is possibility of committing the crime eg. A has possession of weapons without license- A is cable for punishment.

3) Attempt: - When there is attempt to commit crime then it is also crime and success is not necessary sec 511 says attempt to crime is a crime

Eg:- A fired bullet at B but no injury cause to him it is crime of attempt to murder U/S 307 of IPC having 10 years of imprisonment.

Commission: - It means to do a crime and act. When any crime is committed then punishment is given according to particular section if it is approved in the court. Eg: There is different punishment for theft murder cheating criminal transpass

Distinguish between crimes torts

- 1) Crime is codified law – Tort is un codified la having sec having no sections.
- 2) Criminal law is different – Tort is common law in every country in all the countries.
- 3) Crime is committed against –Tort is committed person, society and state against person or persons.
- 4) For crime there is it tort there is no imprisonment or fine imprisonment and the or both remedy is dem or compation.
- 5) In Crime there is state- In tort there is no machinery to punish criminal state machinery and such as police, CID, CBI part have to take intelligence anticorruption remedy.

Crime contract

- 1) In crime right in Remedy – in contract right is violated persona is violated.
- 2) Crime is relating to – contract is relating to person, society and state person or persons
- 3) In crime there is no – In contract consent of consent of other party both party in necessary
- 4) In crime good or bad – In contract good or bad intention is material.
- 5) Remedy is given by criminal- Remedy is given by court. Criminal court.

2Q) Explain all sexual offences with relevant case laws.

A) There are 3 type of sexual offence specification in IPC.

- a) Rape and custodial rape: - {375 & 376 (ABC)}
- b) Adultery :- 497
- c) Un natural offences :- 377

1) Rape is serious crime relating to body of female. It has been defined U/S 375 Rape means sexual intercourse without consent and against will. (If age of the girl is under 16 years then sexual intercourse with or without consent is also rape). If consent is obtained under fraud influence intoxicated condition unconscious condition, un sound mind, threat then also it contract during period of judicial separation then also it is rape having 2 year imprisonment. If age of wife is under 13 years and husband makes physical contract then also it is rape having 2 year imprisonment (Person who committed rape is called rapist, when more

number of person make physical contract with same women forcibly then it is called as gang rape and all such person are liable for cruel punishment.

Punishment for rape has been specified under sec 376, punishment for is 10 years which may extend up to life imprisonment.

Custodial Rape: - This section has been added in 1983 by amendment when rape is committed in custody then there is presumption that is under influence and there is no free consent. It includes following points

- When police officer make physical contract with women in custody
- When jail authority makes physical contact with the women in custody.
- When guardian committed such act on ward.
- When doctor makes physical contact with patient.

Punishment for custodial rape is 5 years imprisonment.

Adultery:- It is a crime relating to marriage. When any person makes physical contact with a married woman by obtaining here consent then it is women or consent is taken under threat then it is rape. Complainant should be her husband or children. Women have no punishment for crime of adultery. Person who committed adultery is liable for 5 year imprisonment under sec 497.

Following are the defence against crime of adultery.

- When the complement is not her husband
- There is defence that person is not aware that she is not married
- When there is divorce between them
- When there is consent of the husband

Distinguish between rape and adultery

Rape	Adultery
Rape is crime relating to body of the female	Adultery is crime relating to marriage
It is done without consent	There is consent of the women
It is committed on married or unmarried women	It is committed only on married women
Anybody can give complain who has information.	Complain to be given husband or children of women
There is 10 year imprisonment	There is 5 year imprisonment

Unnatural offence:-

Unnatural offence is against course of nature. It is also crime U/S 377. It includes following points:

- When there is sexual relation between male and male then it is called as sodomy.
- When there is external sexual relation between female and female or female with animal. Relation between female is called as lesbian.
- When there is sexual relation with animal then it is called bestiality

Punishment for unnatural sexual offence as 10 years imprisonment.

State vs. Dr Suleman

A women went to a doctor for treatment, doctor some injection and she become unconscious doctor had physical

contact with women in unconscious condition. He was held liable for crime of custodial rape.

State vs. Anilbaig

Accused use to go to a call girl now and then and she use to entertain him. On a particular day she was sick and refused to entertain him. He applied force and applied physical contact. He was liable for rape as it was under against her will.

State vs. Tukaram

Accuser has physical relationship with wife of the neighbour, who was residing in same building. When her husband gave complain. He was held liable for crime of adultery.

Q4) What are various offences relating to marriage? Explain your answer with relevant case.

A) There are number of offences relating to marriage specified under section (493- 498)

These offences are as follows

- **Mock marriage** (493 & 495):- It is called as imaginary or fictitious marriage. Marriage have to be performed either by registration under special marriage act 1954 or by ceremonies specified under marriage law. If no ceremony is performed then it is mock marriage which is void in eyes of law. It is also crime having 7 years imprisonment. Eg. A boy takes a girl in a temple and performs marriage by exchanging garland without any ceremony. He is liable for mock marriage.

- **Bigamy:-** (494 & 496) when any married person perform second marriage when first wife is alive without taking divorce then it is bigamy. When more than 2 marriages are performed then it called as Polygamy, when married women perform second marriage without taking divorce from husband then it is crime of polyandry. Punishment for all this crime is 7 years imprisonment.

Exception:-

A Muslim male is not liable for bigamy or polygamy, which is allowed under Muslim personal law.

- When there is legal divorce between them.
- When there is death of spouse.
- When earlier marriage is declare as void or invalid.
- When there is no complain against by wife.

Adultery

Criminal elopement: - When anybody abscond with spouse of another with consent then it is criminal elopement ther e should be consent of the parties if there is no consent the it is abduction having 5 years imprisonment

Eg:- A abscond wife of neighbour with consent. A is liable for crime of criminal elopement.

Cruelty against married women:- when husband or in law or relatives of husband makes physical or mental cruelty against married women then it is a crime, such cruelty should be for reasonable period and one or two incident are not enough. Cruelty includes betting, demanding dowry defamatory language not giving proper food deprivation of liberty. Punishment for this crime is 3 years imprisonment and it is also ground of divorce.

State vs Anil Kumar

Accused was married person not blessed with a child. He performed second marriage with intention to have child. He was liable for crime of bigamy.

State vs. Prabhakar

Accused had core affair with a girl he took her in a temple and performed marriage by exchanging garlands without any ceremony. He was liable for crime of mock marriage.

State vs. Saverna

Accused was mother-in-law of married women. She uses to bet & insult daughter-in-law to bring dowry from parents. When complain was given She was held liable for crime of cruelty U/S 498 (A).

Short Type

Public Servant:- The term public servant has been defined U/S 21 of IPC crime against public servant is more serious than ordinary person. Public servant includes following authorities.

- All employees of central and state government
- Employees of public company corporations and institutions.
- All persons working in defence force.
- All Judicial officers of any court.
- Persons working in autonomous bodies such as municipality, electricity, Zilla parishad.

- When person have been given important or crucial work, such as to do senses work, to do ration card work.
- All members of assembly and parliament
- Person working in law enforcing agencies. Police, CID, CBI.

Therefore the term public servant is having broad meaning under the law.

Good Faith

The term good faith has been defined u/s. 52 of the IPC when any act is done without bad intention or mensria then iti comes under good faith. It is a defence under the law. If there is negligence then good faith does not apply. Therefore good faith is applicable for all the act performed without bad intention or negligence or idea to take revenge.

Ex.

Doctor performed operation careful but the patient dies – Act of Doctor comes under Good faith.

Q: Wrong ful restration & wrongful confinement

Ans : Wrongful restraint mean to deprive liberty of a person or person on a public place without justification. It is a crime having 1 month imprisonment or 500 rs fine or both. If there is justification then court may give defence.

Ex. If road is under repair or procession is coming from otherside then entry is prohibited in that direction bee there is justification.

Ex. A kept construction material on a street and prevented entry of people in that direction. A is liable for wrongful restrain.

Wrongful confinement means deprivation of liberty in all directions without justification. Liberty deprive in a room or house or even open place.

Time factor is immaterial .

Ex. A creditor calls a debtor and confine in a room to force him to pay his debt. Creditor is liable for wrongful confinement.

Ex. A confined B in a room, because B is mentally retarded person. A is not liable for crime, because there is justification.

Restraint	Confinement
1. Liberty deprived in one direction	1. Liberty deprived in all direction.
2. It is done to public place	2. It is done on public or private place.
3. There is more scope for defence	3. There is less scope for defence
4. There is less punishment	4. There is more punishment

In wrongful confinement is done for less than 3 days then punishment is for 1 year imprisonment. If it is above 3 days and less than 10 days then there is 2 years imprisonment and above 10 days 3 years imprisonment.

Kidnapping & Abduction

Kidnapping means taking away a girl under 18 years and boy under 16 years with or without consent. Punishment for kidnapping is for

imprisonment. When Kidnapping is done with bad intention such as begging, murder, prostitution then punishment is 10 years jail.

Abduction means taking away a female above 18 years and male about 16 years without consent, if consent is taken under threat, influence, intoxicated condition unsound mind then also it is abduction. Punishment for abduction is 5 years jail.

Kidnapping	Abduction
1. Age of the girl is under 18 years and boy order 16 years.	Age of Girl is above 18 and boy above 16
2. It is committed with or without consent	It is done without consent
3. Child is taken away from custody or guardianship	There is no need of guardianship
4. Good or bad intention is not considered	Good or bad intention is consider
5. There is more punishment	There is less punishment.

5 Question : Defense of body and properties.

There are number of defense available for crime specified from sec 76-106. Defense of body and property from sec 96-106.

Defense of Body :- Every body have right to defense his body. There are 2 conditions have to be satisfied to defendable body.

Force applied should be reasonable.

Force should be applied when there is immediate danger and not afterwards.

If there is danger to life then other person can kill the person who attacks called as encounter.

Defense of property :- There is right to every person to defend his prop. There are 2 conditions to be satisfied.

Force applied should be reasonable.

Force should be applied when there is immediate danger and not later.

Explain various defence available for crime with specific reference to defence of body and property.

Ans. There are various defence available in IPC specified from sect 96-106. If court accepts any defence then there will be acquittal even after committing crime.

1. **Act bound by law to do it.** When causing death come under part of duty, then defence is available.

Ex. Court gives death sentence and jailor may hand the criminal to death. Killing the soldiers or enemy country at the time of war.

When judge delivers judgement without bad intention or negligence.

Procedure of law then there is no liability of Judge if it is a crime

2. **Act of Executive** When executive carry on their duty within the power then there is no liability for any criminal Act.

Ex. Police make lathi charge or firing to control violence and innocent persons are injured or killed.

3. **Inevitable Accident**

There are some accidents which are inevitable which cannot be avoided. Defence is available for such accidents.

Ex. Doctors says to patient to take that tablet daily for 1 month and patient takes all tablets at once and dies.

Ex. A motor cyclist dash a truck from back and causes injury or death truck driver is not liable.

4. **Act of Child**

A child under 7 years is not liable for any criminal act. This defence is available because child in such tender age has not maturity to understand the nature and its Act. If age of the child is above 7

years and under 12 years and on basis of medical report it is proved that child has not developed mental maturity then also court gives defence.

5. Act of unsound mind person

Unsound mind person or insolvent person has defective mental condition. If it is extreme stage of insanity and such person may not understand the nature and consequences of the act then also court gives defense. It has to be proved on bases of medical report.

6. Act of intoxicated person

When anybody comes in intoxicated condition by taking drug and narcotics then there is no defense if he commits a crime. If somebody administrates it without his knowledge and he commits crime then defense is available to such person and other person who administrative it is liable.

7. Act done for benefit of others

When any act is done for benefit of other by taking convenient without negligence then court gives defense.

Ex. A doctor performed operation carefully and patitent dies. Doctor is not liable because he has done in good faith.

8. Act done with consent

When consent is given for any lawful act and there is injury or death then also court gives defense.

Ex. Injury or death occurs at the time of boad film shooint etc. then court gives defence.

9. Act done compulsion or threat

When any act is done under compulsion or threat then also court gives defence who commits crime under compelled and the person who force him to do it is liable

10. Tariffing Act

In petty matter court gives defense even though it is a crime.

11. Defense of Body

When anybody commits crime in defense of body then court may give defence force applied should be reasonable and it should be applied when there is dangerous

Ex. A likely to kill B.

12. Defense of property

When anybody is to defense his property then it may not be crime for should be reasonable and it should be applied when there is danger.

Cases.

State v/s. Macnaughten

Accused was unsound mind person he was travelling in ship. He dragged a passenger in bathroom and after killing the passenger he was eating flesh of death body. The court held that it is extreme stage of insanity and defence was given to accused and he was ordered to be sent to the mental hospital for treatment.

State v/s. Maya

Neighbour entered in the house and tried to commit rape on accused. She took a rod and hit on the head of the person and he died because of injury. The Court held that accused have commit crime in defence of her body and there was no liability for crime.

State v/s Mahapatra

Accused was 5 years old boy studying in primary class. When there was quarrel he cut veins of other child with a blade and caused serious injury court gave defence because child is under 7 years of age.

State v/s. Doctor Sulamon

A pregnant women fell down from stairs child in womb of mother died. Because of injury. neighbor admitted her in hospital doctors did surgery and removed the death child to save life of the women

the court held that doctor have done for benefit of the women to save her life and there is defense for crime of miscarriage.

Question : - Explain the difference of then, extortion. Robbery and dacoit and distinguish between it.

Ans. Theft means taking away movable property with dishonesty intension. The person who commit theft is called as thief and if more person commits such crime then they called as thieves. Detail of theft is from section 378 to 382 of IPC.

Essentials requisites of Theft.

1. It is relating to movable property.
2. There are some properties which can be converted from immovable to Movable and there can be theft. Such as tree is immobile property and after cutting the tree timber is movable property and there can be theft of tree.
3. There should be dishonest intension.
4. It is commit without consent or knowledge of person.
5. The person may be either owner or lawful possessor.
6. Big and register articles taken away from my place is theft. Such as vehicle, buffalos, cow, etc.
7. Taking away electricity without knowledge of electricity board comes under theft even thought electricity is not articles.

Punishment for theft is 3 years imprisonment.

Extortion

Section 383-389

It means giving any property or money or articles, under threat, influsion, pressure or against the law. In extortion property is given by the person without consent. Punishment of extortion is 3 years imprisonment,

Extortion includes following points.

1. Taking donation under pressure or force and against consent is crime of extortion.
2. Taking excess money which is not legally permissible is extortion.
3. Charging heavy rate of interest is extortion.
4. Blackmailing is also crime of extortion.

There are three points of difference between theft and extortion.

Theft is relating to movable property	Extortion is relating to movable and immovable
In theft articles are taken away without consent and knowledge	It is given under threat or infusion.
In theft there is dishonest intention	Intention is get some benefit irregularly.

Robbery

It means taking away articles without knowledge or under threat or by making violence when less than 5 person commits such act then it is called as robbery. Every person in the group is called as robber. Punishment for Robbery is 7 years imprisonment.

Ex. A and B enter in a shop and by showing weapon taken money. They have robbery.

Dacoity

When a group of 5 or more person take away or snatch property or article then it is called as dacoity. It can be said that Robbery +5 or more person + violence = Dacoity.

Every person in a group is called as Dacoit, punishment for it 10 years imprisonment, when there is preparation to commit dacoity but to crime has not been committed then. 2 years punishment. Dacoity followed by murder then punishment is death sentence.

IN Robbery there are less than 5 person	In Dacoity there are 5 or more person.
Violence is not necessary and it may be with or without violence	In dacoity violence is necessary
There is less punishment for it.	There is more punishment for it.

State v/s. Anusaya

Accused was married woman she gave 1000/- of her husband to her purse when husband filed a complaint she was held liable for crime of theft because it was money of husband and she gave it without his consent and knowledge.

State v/s Ganesh Singh

A person who was a cloth seller sold his cloth in a bazaar and returning to his village on the horse. Accused pointed a knife at him and threatened him to kill otherwise he has to pay money. He gave his money because of threat accused has liability for crime of extortion.

State v/s. Kartar Singh and 2 others.

A group of three persons made a plan to take away money from a bank. Two persons entered in a bank in which one pointed a weapon at the staff other collected cash and third was waiting in a car to take them away after the crime. All the three were held liable for Robbery and Criminal conspiracy having equal punishment.

State v/s Lashker and 10 others

A group of 11 persons entered in a village with weapons they entered in various houses and by beating family members took away money and ornaments they were held liable for crime of dacoity.

Question :- Briefly Explain various offence relating to marriage.

Ans . There are five offence specified from sec. 493 to 498A. relating to Marriage. This offence are as follow.

1. Mock Marriage (493)
2. Bigamy (494, 495, 496)
3. Adultery
4. Criminal elopement
5. Cruelty against married women (498a)

Mock Marriage

It means imaginary marriage or fictitious marriage. A marriage to be perform either by ceremony or by registration. If know ceremony has performed then it is crime of mock marriage having 7 years imprisonment.

Ex. A boy takes a girl in temple and perform marriage only by exchanging Garland he is liable for crime of Mock Marriage.

Bigamy

It means performing second marriage when wife is alive and when more marriage performed. Then it is called as polygamy. When there is death of wife or divorce taken by wife then such is marriage allowed Bigamy or polygamy is crime having 7 years imprisonment. If any married women performed second marriage without divorce or death of husband then it is called a polyandry. Having 7 years imprisonment.

Following are this differences of this crime

1. When there is legal divorce between them
2. When there is death of spouse
3. When male is Muslim person who is allowed to have and wife at a time.
4. When earlier marriage is invalid.

Adultery

It is sexual relation of a male with married women by her consent. If there is not consent or consent is taken under threat or force then it is rape. Complainant should be her husband. Punishment for Adultery is 5 years imprisonment to the person who commits the Act. Women have no punishment in crime Adultery.

Criminal elopement

In elopement means to abscond when any male elop or abscond with wife of another even with her consent then it is crime of Criminal elopement. Punishment for this crime is 2 years imprisonment. If he taken away married women under threat or Force. Fraud then it is called abduction. Having 5 years imprisonment.

Cruelty against married Women

When husband or inlaws or relatives of husband cause mental cruelty or physical cruelty then it is a crime having 3 years imprisonment it also ground of divorce. Cruelty means demanding dowry, beating, insulting not giving proper food and deprivation of liberty. Such cruelty should

go on for a reasonable period and one or two incident are not enough. If women cause cruelty then it is a ground of divorce.

This are the crimes relating to marriage in IPC.

State v/s. Sawarnlata

Accused was mother in law she made mental and physical torture of daughter in law for demand of dowry for several months. She was held liable for crime u/s. 498(a)

State v/s Vardrajan

Accused has illegal relationship with a married women who was neighbor husband gave complain against accused then court held that he is liable for crime Adultery u/s.497

State v/s. Nagesh Kumar

Accused was marriage person. But he was not blessed with a child he perform second marriage without consent and knowledge of his wife. When she gave complain accused was held liable for crime of Bigamy. u/s. 494.

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Explain the term “Abetment and conspiracy” and its provisions and distinguish between it.

Ans: Abetment means to instigate or encourage other person to commit crime. A person who make instigate is called as abettor. There is participation of abettor in committing the crime. And he is behind carton. It may be done with or without consideration.

Ex. A say to B to commit murder of 'x' A is abettor and B is murderer
detail of abetment is form section 107 to 120 of IPC.

Punishment

1. If criminal get death sentence then Abettor get life imprisonment
2. If Criminal gets particular punishment then Abettor is given half punishment.
3. When abetment is done for a particular crime. But accused commit additional crime then abettor is not liable for additional crime. Because he has not done abetment to such crimes.
4. When there is abetment to abetment then immediate abettor gets half punishment and first abettor gets $\frac{1}{4}$ punishment for the crime which he's abetted.
5. When there is abetment to commit a crime but other person did not commit it then also abettor is liable for $\frac{1}{8}$ punishment.

Conspiracy u/s. 120 A , 120B

When two or more person commit any crime with common intension then all of them are equally liable for punishment for the crime which they have committed u/s. 120 B. There is direct or indirect participation of all the accused in the committing the crime.

When there is plan or conspiracy to commit crime but they have not committed it then punishment is 6 months imprisonment u/s. 120 A.

Ex. A B C make a plan to committee murder of X, A purchase a poison B added in glass of Milk, C offered glass to X after drinkgin milk A died.

All three are liable for Murder. Because they have committed Crime under criminal conspiracy.

Ex. A Made Block, B printed Currency notes. And C Circulated Currency notes. All are liable for crime because it has been committed under criminal conspiracy.

Distinguish between Abetment and Conspiracy

1. There may be one or more person has abettors.	There should be two or more person in conspiracy.
2. There is no common intension b/w abettors and accused	There is common intension between all conspirators.
3. There is less punishment to Abettor	There is equal punishment to conspirators
4. Abetement does not include conspiracy	Conspiracy includes abetment.
5. There is no participator of Abettor in crime	There is participator u/s. Conspiracy in Crime

State v/s Kartar Singh and 2 others

A group of three persons made plans to commit robbery on bank. One person point weapon at staff another collected cash and third was outside in a car to take them away. All the three were held liable for equal punishment for the crime of robbery.

State v/so Chandrakant and another

Accused was married person a priest arranged a girl and encouraged him to perform other marriage and also has completed all the ceremony. Accused was liable for Bigamy and priest was liable for Abetment to bigamy.

State V/s Srilal

Accused entered in house of magistrate and tried to gave him bribe to show fair in the case. Magistrate did not accept bribe and gave complain against him. Accused was guilty for abetment to bribe.

State v/s SatishKumar and another

Accused made plan to do abduction of a girl and accused brought her by under force and another forced her to sit in a car and they took away her. They were liable for abduction because there was criminal conspiracy.

These are the details about abetment conspiracy, punishment distinguish and relevant cases.

Briefly explain various offences relating to Public tranquility and state.

Ans. It means public peace and traffic which should not be disturbed.

There are four offences relating to public tranquility specific from sec. 141 to 160 of IPC. This offences are as follows.

1. Unlawful Assembly

When five or more person assembly with common object who commit a crime or illegal act then it is called unlawful assembly.

They have common object to do something illegally. Every person in the group is member of the unlawful assembly. Even though they may not commit any crime. There is liability of six month imprisonment or fine or both

2. Rioting

When five or more person assemble and violence then it is rioting. Violence includes damaging public or private property or any using force. Such as injuring other person. It can be said unlawful assembly + violence = rioting. Punishment for rioting is 2 years imprisonment when rioting is done with deadly weapon then punishment is 3 years imprisonment.

3. Promoting enmity b/w. classes people

Whether any body by his action public address, pamphlet, Act, create enmity between group of people or tension or misunderstanding then it is crime against Public tranquility. Punishment for this crime is 2 years imprisonment.

4. Affray

It means fighting between two or more person on a public. Because of fighting people assembly and

Offence against State :- 121 to 130

State means country or the government there are four offence relating to state.

1. Waging War
2. Assaulting high officers
3. Sedition 124(a)
4. Harboring state prisoners

Waging War :-

It means giving secret information to other country which is injurious or harmful for the country it may be given by photo, caste, letter, plan, Map or any method. Punishment for this crime is death sentence or life imprisonment.

Assaulting high officer

When anybody make preparation to cause bodily injury to minister, Government, President, Ambassador then it is a crime against country. Punishment for this crime is 7 years imprisonment.

Sedition

When anybody by public address pamphlets, publication of articles, encourage people to revolt against govt, or disturbed unity or integrate of the country then it is sedition. Punishment for this crime is three years imprisonment.

Harbouring State Prisoners

When any body provide help to criminal then it is also a crime. Harbouring includes giving shelter, money, vehicle, medical helps, weapons or help to escape from prison punishment for this crime is 2 years imprisonment.

State v/s Motidas and other

A group 21 students assembled in university campus and demanded to reduce the fee. They felted stone and damage furniture of the university they were held liable for crime of rioting.

State v/s Mohammed Ismail

Accused was giving information to Pakistan about the stock of weapon kept in India. He was giving map and photos he was held liable for waging war.

State v/s. Balagangadher Tilak

Accused was national leader during independence period he published article in newspaper kasseri and directed people to revolts again British govt. and Kick out. Then from the country he was held liable for crime sedition.

State V/s. Srikanth and two others

Three persons quarreled on bus stand for a seat in the bust. People assembled and buses became late by half an hour.

They were held liable for crime of Affray

This details about against offences public tranquility and state in IPC

Question: Explain the Crime relating to Murder and Culpable Homicide.

Ans:- Murder is serious crime relating to human body. It has been defined u/s. 300. Murder means causing death of another intentionally and with knowledge. Such injury is caused and he dies after some period then also it is murder. Person who commit murder is called as Murderer. Punishment for Murder is life imprisonment or death sentence under section 302.

When anybody is under going imprisonment and again causes death in prison then punishment death sentence u/s. 302.

When anybody cause dowry harassment and kills married then it is dowry death u/s. 304(B) having life imprisonment or death sentence.

Culpable Homicide

It means unintentionally. Homicide means killing human being when death is cause in particular circumstance then it is culpable homicide u/s. 299. Punishment for culpable homicide is 10 years imprisonment.

Following are the circumstances under which causing death come under culpable homicide.

Grave and Sudden Provocation

Grave means serious nature and sudden means immediate, provocation means to lose mental control when anybody cause death because of grave and sudden provocation then it is culpable homicide.

Ex. A saws his wife sleeping with another person and he immediately killed her it is culpable homicide.

Sudden fight

When there is fighting between two or more person which result in death of any person then it is culpable homicide.

Ex. There is quarrel between creditor and debtor. Creditor gave kick on stomach of debtor and the debtor died. Creditors is liable for culpable homicide.

Public Officer exceeding his powers

Public Officer have some powers if he misuse the power and cause death then it is culpable homicide.

Ex. Police arrest a person on ground of theft and gave unreasonable beating and the theft died. Police officer is liable for culpable homicide.

Unreasonable for in private defence

Every body have the right to protect body and property. If unreasonable force is applied and death is caused. Then it is culpable homicide.

Ex. A theft is taking away articles, owner hit on his hand with a lati and theft died. Owner is liable for culpable homicide.

Consent

When anybody causes death even with consent. Then it is also culpable homicide.

Ex. Patient request Dr. to give poison injection and he want die. If doctor does it then there is liability for culpable homicide.

Death is caused with intention and knowledge	There is no intention and knowledge
There is planning to kill another	It happens in particular circumstance
Murder can be brought into culpable homicide	Culpable Homicide comes be brought into murder
There is more punishment	There is less punishment

State v/s. K.M.Nanavati

Accused was class one officer he saw his wife in objectionable condition on bed with another person. He killed both of them with licensed revolver. He was liable for culpable homicide.

State v/s Nar Hari and another

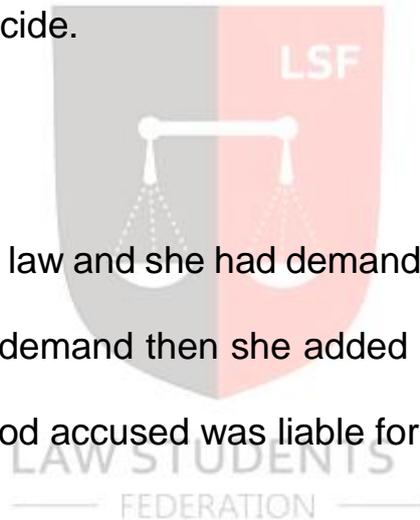
Accused person had quarrel with other person for grazing of animals they hit him with a lati and he died because of injuries both accused were liable for culpable homicide.

State v/s. Swarn lata

Accused was mother in law and she had demand of dowry when daughter in law did not fulfil her demand then she added poison in her meals and she died after eating food accused was liable for murder.

State v/s Bharat Bihari

Accused was constructing a complex on advice of somebody he brought orphan child offered blood in foundation of the building by cutting throat he was liable for kidnapping and murder.



Define and distinguish between following offences.

- a) Wrongful restraint and wrongful confinement**
- b) Kidnapping and abduction**
- c) Rape and adultery**

Ans :- Wrongful restraint means deprivation of liberty in one direction on public place without Justification movement of the people should not be disturbed at public place, such as road, street, unless there is justification or reasonable ground. Punishment for this crime is one month imprisonment or fine upto Rs.500/- or both.

Ex. A keeps construction materials and block and street it is crime of wrongful restraint.

Wrongful confinement means deprivation of liberty in all the direction. It may be done in a room or house or even open place. It is done without Justification. If confinement is for less 3 days then punishment is one year imprisonment.

If it is above 3 days and class then 10 days then punishment is 2 years imprisonment and above 10 days 3 years imprisonment.

Ex. A creditor bring a debtor in a room and locked from outside for few hours to force him to pay loan amount creditor is liable for wrongful confinement.

Wrongful restraint	Wrongful confinement
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Liberty deprived in one direction	Liberty deprive in all directions
It is done on public place	It is done on public or private place
There is more scope for justification	There is less scope for justification
There is less punishment	There is more punishment

Kidnapping (363) and Abduction (365)

Kidnapping means taking away a female under 16 years age and male under 18 years age with or without consent kidnapping is the crime relating to children. Kidnapping have 7 years imprisonment. When kidnapping is done with bad intention such as murder, begging, prostitution, then punishment is 10 years imprisonment.

Abduction means taking away male above 18 years age and female above 16 years of age without consent. If consent is taken under fraud, threat, force, intoxicated condition, unconscious condition, unsound mind then it is Abduction. Punishment for this crime is 5 years imprisonment.

Age of the girl is under 16 years and boys under 18 years	Age of girl is above 16 years and boy above 18 years.
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Child taken away with or without consent	Person taken away with out consent
Child taken away guardianship	There is no need of custody and guardianship
Good or bad intension is immaterial	Good or bad intension is material.
Distance is also immaterial	Distance is material
There is more punishment	There is less punishment.

Rape (375) and Adultery (376)

Rape means sexual intercourse with a girl under 16 years age with or without consent. If age is above 16 years and it is committed without consent then it is a rape. If consent is taken under fraud force, intoxicated, unconsciousness condition, then it is also rape. When more number of person commit such act on same women it is called as gang rape and all of them liable for punishment. 10 years imprisonment.

When Dr. commit rape on patient, Police officer on women in custody, jailer on women in prison, warden on girl in hostel even with consent then it is called custodial rape having five years imprisonment.

Adultery

Adultery means sexual relation with a married women by her consent, women have no punishment for adultery. Person who commit adultery is liable for 5 years imprisonment.

Rape	Adultery
1. Rape is committed on married or unmarried woman	It is committed on married women
2. There is no consent of women and girl	There is consent of the woman
3. Anybody can give the complain who has information	Complain to be given by husband.
4. It is crime relating to body of the women	It is crime relating to marriage.
5. There is more punishment	There is less punishment

Explain the crimes of cheating and criminal trespass, specified in IPC.

Ans :- Cheating means to deceive other person. It is also called as fraud. Person who does cheating is called as cheat. Details of cheating is from sec. 415 to 420 of IPC.

Ex. A Goldsmith says to customer that ornament is of pure gold. Customer found that it is polished copper. Goldsmith have done cheating of customer.

Ex. A Sold plot to B and again he sold same to X seller have done cheating of X.

Essential ingredient of Cheating.

1. A person makes false statement intentionally and with knowledge
2. Other person believe it and do an Act.
3. There is wrongful loss of one person and wrongful profit or gain of other person
4. There is dishonest intention

Punishment for cheating is one year imprisonment for petty cheating. When cheating is done by public servant or relating to immovable property. Then punishment is 7 years imprisonment.

Cheating by Personalisation (416)

It means possessing or pretending as particular person even though his not that person. There is no need of motory gain in cheating by personalization.

Ex. A write exam in name of B by changing photo on hall ticket. A is cheating by personation.

Ex. A entered in house of B has Income Tax Officer and do checking even though his not officer. A have done cheating by personation.

Punishment for cheating by personation is 3 years imprisonment.

Criminal Trespass

Sec. 441 to 462. It means entry in any property without justification or with intention to commit any illegal act. Person who commit trespass is called as trespasser. There are four kinds of trespass.

1. Trespass on land.

When any person enter on plot, land or agriculture land without consent or authority or proper reason then it is trespass punishment for trespass on land in 3 months imprisonment or fine upto 500 or both

2. House trespass

When anybody enters in place of residence then it is house trespass. House includes hut, flat, building, function hall, religious and educational institution Punishment for this crime is one year imprisonment.

3. Lurking house trespass

Lurking means hiding or concealment when anybody goes with permission, on invention, authority and hidden himself bathroom or any place and come out in odd hours to commit any crime then it is lurking house trespass. Punishment for Crime is 2 years imprisonment.

4. House breaking

House breaking means making entry in house such as breaking lock, through windows, jumping over the wall demolishing the wall, punishment for this crime is 3 years imprisonment.

State v/s Dawarknath and three others

Station master issued tickets for passenger train which were collected on other station. This ticket for send through mediators and second time issued again by changing the date. They were held liable for criminal conspiracy, misappropriation, breach of trust and cheating of railway co.

State v/s. Pratap Kumar and two others

Three person started placement agency. They collected Rs.500/- registration fees from 100 of candidate. They absconded without providing any Job. They were held liable for cheating.

State v/s. Chandra

Accused was Sudra boy he performed a marriage with a girl who was Brahmin stating that he is also Brahmin later on she came to know that he is Sudra and filed a complain. Accused is liable for cheating by personation.

State v/s Bhimana

Accused was invited in a marriage, he hides in bathroom and come out after mid night to commit theft of luggage of guest he was liable for lurking house trespass.

Short Answers**Concept of Crime**

The term crime has been defined u/s. 40 of IPC, Crime means any act, which is punishable by imprisonment or fine or both. When crime is

committed then state is one of the party to prosecute criminal. When crime is committed in particular section, then court may furnish according to all section. Which have been provided in the court. If it is not proved then court make acquittal. Punishment cannot be given which is mentioned for particular crime. Judge can give even less punishment by considering facts of the case, Appeal is allowed to superior court, by accused when there is conviction and by prosecutor when there is acquittal.

Stages of Crime

There are four stages.

1. Intention or mensrea
2. Preparation
3. Attempt
4. Commission



Intention or mensrea

It means guilty mind, when mind is guilty, then act is guilty.

Ex. A catch hand of women with bad intention then it is crime because there is another mind.

If she was fall in the wall and be removed her then it is not a crime because there no guilty mind.

Ex. Dr. perform operation are fully but the patient dies Dr. is not liable because there is no guilty mind. If there is negligence in operation then Dr is liable for crime.

Preparation

If there is preparation to commit crime, then it is also crime.

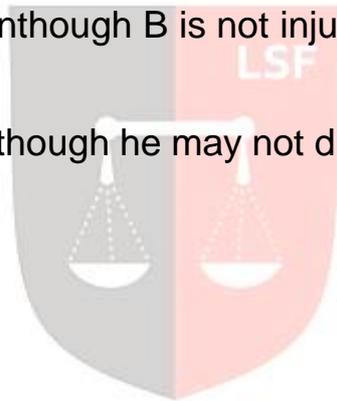
Ex. A have possession of weapons without license or possession of narcotics then it is crime because there is prepartation.

Attempt

Attempt of crime is also crime, even though there is no success.

Ex. A fired bullet at B eventhough B is not injured it is crime of attempt to murder.

A taken poison and even though he may not died. It is crime of attempt of suicide.



Commission.

Meaning of commission is to do the crime, punishment is given according to nature of crime.

Codification it means to divide law into various sections, codification is useful by following method.

1. It is easy to findout particular section.
2. Crime can be booked in more sections.
3. There is separate punishment for every section.
4. Argument can be done, relating to particular section.
5. Complete trial is done for some sections which ware mentioned in the charge sheet.

Therefore, codification is convenient for court and advocate to represent the case.

Jurisdiction

It means place where crime is committed, court having jurisdiction can only entertain the criminal case and conduct trial. If there is not jurisdiction court cannot entertain the case. Therefore four type of jurisdiction.

Territorial Jurisdiction

It means where crime, is committed. Court can entertain such cases.

Ex. A person came from Delhi and committed theft in Hyderabad. There is Jurisdiction of Hyderabad court to conduct is trial.

Extra Territorial Jurisdiction

When any foreigner comes to India and committee crime at any place. Then respective court have jurisdiction to furnish his according to law.

Extra – Ordinary Jurisdiction This Jurisdiction is available to women u/s. 498 (a) when husband or in law cause cruelty then she can filed complain where she is residing and then court can conduct the trial.

Concurrent Jurisdiction When part of the crime is committed in one Jurisdiction and part of the crime other jurisdiction then any court can conduct trial.

Ex. A do kidnapping of B from Hyderabad and by taking to delhi. Commit his murder there is jurisdiction Hyderabad court as well as Delhi court to conduct trial because there is concurrent jurisdiction.

Punishment

When crime is committed, when court gives punishment according nature of crime, There are seven types of punishment.

Death Sentence

This punishment is given rarest of the rare cases. When there is no scope to show sympathy to accused.

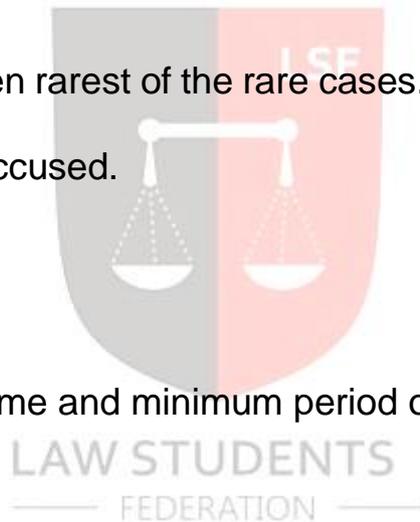
Life Imprisonment

It is given in serious crime and minimum period of life imprisonment in 14 years.

Rigorous imprisonment

This punishment is given to a habituated criminal and hardwork is given to criminal such as breaking stone, digging the land.

Solitary confinement



In this punishment a criminal is kept along in a room and he is not allowed to mix among other criminal. The Punishment is not given for more than 6 month period in entire term of punishment.

Forfeiture of property

When any criminal committee crimes or abscond then court give order to forfeit his property otherwise he has to surrender with in one month period before police or the court.

Fine or Penalty

In petty crime court may impose only fine or penalty.

Assault and Criminal force

Assault means preparation to cause bodily injury to another apprehension or fear is caused in mind of another. There is no need of direct or indirect in assault. Punishment for assault is six month imprisonment or fine or both.

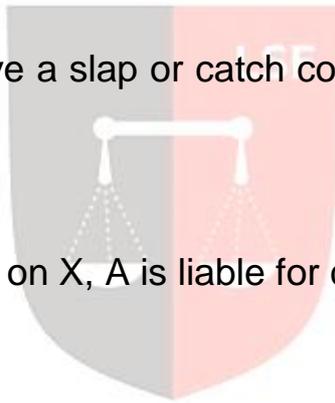
When assault is cause against public servant then punishment is one year imprisonment.

Ex. A rushed at B to beat him even though he may not beat him it is crime of assault.

Criminal Force means applying power directly or indirectly against body of another without justification. In criminal force direct or indirect physical touch is necessary. There is not need of apprehension or fear in criminal force. Punishment for criminal force is one year, Imprisonment and fine. If criminal force is applied against body of women with bad intension then it is called as outraging modesty of women having two years imprisonment. If criminal force is applied against public servant then punishment is two years imprisonment.

Ex. A rushed at B and give a slap or catch collar. A has applied criminal force.

Ex. A pushed B and B fell on X, A is liable for criminal force.



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— The End —
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