

INDIAN PENAL CODE, 1860

PRINCIPLES OF CRIMINAL LIABILITY:-

ACTUS REAS

MENS REAS

ADMINISTRATION OF CRIMINAL JUSTICE THEORIES: -

RETRIBUTIVE THEORY

DETERRENT THEORY

PREVENTIVE THEORY

REFORMATIVE THEORTY

GENERAL EXCEPTIONS FROM CRIMINAL LIABILITY:-

1. EXCUSABLE DEFENCES

2. JUSTIFIABLE DEFENCES

EXCUSABLE DEFENCES: -

MISTAKE OF FACT :- Ss. 76 & 79

INCAPACITY:- 1. INFANCY Ss. 82 & 83

2.INSANITY Ss. 84

3. INTOXICATION Ss.85 & 86

ACCIDENT:- Ss. 80

JUSTIFIABLE DEFENCES: -

JUDICIAL ACTS :- ACT OF JUDGE S.77

**ACTS DONE IN PURSUANCE OF AN ORDER OF A
COURT. S. 78**

NECESSITY:- S.81

CONSENT:- Ss 87-92

COMMUNICATION MADE IN GOOD FAITH:- S.93

DURESS: - S.94

TRIVIAL ACTS :- S.95

RIGHTS OF PRIVATE DEFENCE Ss. 96-106

PRELIMINARY CRIMES:-

ABETMENT:- Ss. 107-120

CRIMINAL CONSPIRACY:- Ss. 120 A & 120 B

CRIMINAL ATTEMPT:- S. 511

PRELIMINARY CRIMES:-

ABETMENT:- Ss. 107-120

CRIMINAL CONSPIRACY:- Ss. 120 A & 120 B

CRIMINAL ATTEMPT:- S. 511

SPECIFIC OFFENCES:-

OFFENCES AGAINST THE STATE:- Ss. 121 TO 130

SEDITION:-

- * BRINGING OR ATTEMPTING TO BRING INTO HATRED, CONTEMPT
- * EXCITING OR ATTEMPTING TO EXCITE “DISAFFECTION” TOWARDS THE GOVERNMENT OF INDIA
- * SUCH ACT OR ATTEMPT MAY BE DONE IN ANY OF THE FOLLOWING WAYS
 - *BY WORDS EITHER SPOKEN OR WRITTEN
 - * SIGNS
 - * BY VISIBLE REPRESENTATION

SPECIFIC OFFENCES:-

OFFENCE AGAINST PUBLIC TRANQUILITY:- Ss. 141-160

1. UNLAWFUL ASSEMBLY

2. RIOTING

3. AFFRAY.

SPECIFIC OFFENCES:-

OFFENCES RELATING TO AND AGAINST PUBLIC SERVANTS.

OFFENCE AGAINST PUBLIC JUSTICE:- Ss.191-229

PERJURY: GIVING FALSE EVIDENCE

SPECIFIC OFFENCES:-

OFFENCES AFFECTING LIFE:- Ss. 299 TO 309

HOMICIDE

LAWFUL HOMICIDE:- 1. JUSTIFICABLE (RPD)

2. EXCUSABLE (INCAPACITIES)

UNLAWFUL HOMICIDE: -

CULPABLE HOMICIDE:- 1. AMOUNTING TO MURDER

2. NOT AMOUNTING OT MURDER

CAUSING DEATH BY NEGLIGENCE

SPECIFIC OFFENCES:-

CUPABLE HOMICIDE:- S.299

*** CAUSING DEATH OF HUMAN BEING**

*** BY DOING AN ACT OR OMISSION**

*** WITH ANY OF THE FOLLOWING STATES OF MIND**

(a) with intention of causing death

(b) with intention of causing such bodily injury as is likely to cause death (or)

(c) with the knowledge that the doer is likely by such act, to cause death

SPECIFIC OFFENCES:-

MURDER:- S.300

- * Act done with the intention of causing death**
- * Act done with the intention of causing such bodily injury as the offender knows it to be likely to cause the death of the person to whom the harm is caused.**
- * Act done with the intention to cause injury sufficient in the ordinary course of nature to cause death of any person.**
- * Act done with the knowledge that it is eminently dangerous and in all probability causes death.**

SPECIFIC OFFENCES:-

EXCEPTIONS TO S. 300:-

- 1. GRAVE AND SUDDEN PROVOCATION**
- 2. RIGHT OF PRIVATE DEFENCE**
- 3. EXCEEDING LAWFUL EXERCISE OF POWER**
- 4. SUDDEN FIGHT**
- 5. CONSENT**

SPECIFIC OFFENCES:-

DOWRY DEATH:- S.304 B

ATTEMPT TO COMMIT SUICIDE:- S.309

SPECIFIC OFFENCES:-

OFFENCES AFFECTING HUMAN BODY:-

HURT:- S. 319

GRIEVOUS HURT:- S.320

ACID ATTACKS:-S.326A

ATTEMPT TO ACID ATTACK:- S.326B

WRONGFUL RESTRAINT:- S.339

WRONGFUL CONFINEMENT:- S.340

CRIMINAL FORCE AND ASSAULT:- Ss. 349-358

SPECIFIC OFFENCES:-

OUTRAGING THE MODESTY OF WOMEN:- S.354

SEXUAL HARASSMENT:- S.354A

ACT WITH INTENT TO DISROBE A WOMAN:-S.354B

VOYEURISM:-S.354C

STALKING:-S.354D

KIDNAPPING :- S. 359

ABDUCTION:- S. 362

SEXUAL OFFENCES:-

RAPE:- S.375

SPECIFIC OFFENCES:-

OFFENCES AGAINST PROPERTY

THEFT:- S.378 & 379

EXTORTION:- S. 383 & 384

ROBBERY:- S.390

DACOITY:-S.391 & 395

SPECIFIC OFFENCES:-

OFFENCES AGAINST PROPERTY

CRIMINAL MISAPPROPRIATION:- S. 403

*** DISHONEST MISAPPROPRIATION OR CONVERSION OF PROPERTY FOR A PERSON'S OWN USE.**

*** SUCH PROPERTY MUST BE MOVABLE**

*** WITHOUT A RIGHT OF ITS USAGE**

SPECIFIC OFFENCES:-

OFFENCES AGAINST PROPERTY

CRIMINAL BREACH OF TRUST:- S. 405

*** ENTRUSTING ANY PERSON WITH PROPERTY OR WITH ANY DOMINION OVER THE PROPERTY**

*** THE PERSON ENTRUSTED (a) DISHONESTLY MISAPPROPRIATES OR CONVERTS TO HIS OWN USE THAT PROPERTY OR**

(b) DISHONESTLY USES OR DISPOSES OF THAT PROPERTY OR WILLFULLY SUFFERS ANY OTHER PERSON SO TO DO AN VIOLATION OF:

(1) ANY DIRECTION OF LAW PRESCRIBING THE MODE ON WHICH SUCH TRUST IS TO BE DISCHARGED.

(2) ANY LEGAL CONTRACT MADE TOUCHING THE DISCHARGE OF SUCH TRUST.

SPECIFIC OFFENCES:-

CHEATING:- S. 415

*** DECEPTION OF ANY PERSON**

*** BY FRAUDULENT/DISHNOEST INDUCING OF THAT PERSON**

(a) TO DELIVER ANY PROPERTY TO ANY PERSON OR

(b) TO CONSENT THAT ANY PERSON SHALL RETAIN PROPERTY

(c) INTENTIONALLY INDUCING THAT PERSON:-

(i) TO DO ANYTHING WHICH HE WOULD NOT DO EXCEPT UNDER SUCH DECEPTION OF

(ii) OMIT TO DO ANYTHING WHICH HE WOULD NOT DO IF HE WAS NOT SO DECEIVED.

*** THE ACT/OMMISSION CAUSES OR IS LIKELY TO CAUSE DAMAGE OR HARM TO THAT PERSON IN BODY, MIND, REPUTATION OR PROPERTY.**

SPECIFIC OFFENCES:-

MISCHIEF S. 425

* CAUSING THE DESTRUCTION OF SOME PROPERTY OR CHANGE IN IT OR IN ITS SITUATION.

* SUCH CHANGE MUST DESTROY OR DIMINISH ITS VALUE OR UTILITY OR EFFECT IT INJURIOUSLY.

* WITH AN INTENTION OR KNOWLEDGE OF LIKELIHOOD TO CAUSE WRONGFUL LOSS OR DAMAGE TO THE PUBLIC OR TO ANY PERSON.

ARSON S. 435 & 436

SPECIFIC OFFENCES:-

CRIMINAL TRESPASS :- S. 441

1) ENTERING INTO/UPON PROPERTY IN THE POSSESSION OF ANOTHER.

2) IF SUCH ENTRY IS LAWFUL THEN UNLAWFUL REMIANING UPON SUCH PROPERTY

3) SUCH ENTRY/UNLAWFUL REMAINING MUST BE WITH INTENT TO:-

(a) COMMIT AN OFFENCE OR

(b) INTIMIDATE, INSULT OR ANNOY ANY PERSON IN POSSESSION OF THE PROPERTY.

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SPECIFIC OFFENCES:-

HOUSE TRESPASS:- S.442

*** CRIMINAL TRESPASS**

*** REMAINING IN ANY BUILDING/ENTERING INTO A BUILDING, TENT OR VESSEL.**

*** WHICH IS USED AS HOUSE FOR DWELLING/PLACE OF WORSHIP?
AS A PLACE OF CUSTODY FOR PROPERTY.**

LURKING HOUSE TRESPASS:-S.443

HOUSE BREAKING:-S.445

SPECIFIC OFFENCES:-

OFFENCES RELATED TO DOCUMENTS:-

FORGERY:- S. 463

*** THE MAKING OF A FALSE DOCUMENT/PART OF IT**

*** SUCH MAKING SHOULD BE WITH THE INTENT**

(a) TO CAUSE DAMAGE/INJURY TO

(1) PUBLIC OR (2) ANY PERSON OR

(b) TO SUPPORT ANY CLAIM OR TITLE OR

(c) TO CAUSE ANY PERSON TO PART WITH PROPERTY OR

**(d) TO CAUSE ANY PERSON TO ENTER INTO EXPRESS/IMPLIED
CONTRACT OR**

(e) TO COMMIT FRAUD OR THAT FRAUD MAY BE COMMITTED.

SPECIFIC OFFENCES:-

OFFENCES RELATED TO MARRIAGE:-

* **BIGAMY:- S. 494**

* **ADULTERY:-S.497**

* **CRUELTY:- S.498 A**

OFFENCES AFFECTING REPUTATION:-S.499

CRIMINAL PROCEDURE CODE, 1973

CLASSIFICATION OF OFFENCES:-

COGNIZABLE OFFENCE / NON-COGNIZABLE OFFENCE

BAILABLE OFFENCE / NON-BAILABLE OFFENCE

WARRANT CASE / SUMMONS CASE

FUNCTIONARIES UNDER THE CODE:-

THE POLICE

THE PROSECUTORS

THE DEFENCE COUNSEL

THE COURTS

PRISON AUTHORITIES AND CORRECTIONAL SERVICES PERSONNEL

THE COURTS:-

SUPREME COURT

HIGH COURT

SESSIONS COURT

COURTS OF JUDICIAL MAGISTRATES

COURTS OF METROPOLITAN MAGISTRATES

COURTS OF METROPOLITAN MAGISTRATES

SPECIAL JUDICIAL OR METROPOLITAN MAGISTRATES

COURTS OF EXECUTIVE MAGISTRATES

ARREST

ARREST WITH A WARRANT

ARREST WITHOUT A WARRANT

AFTER - ARREST PROCEDURES

(1) SEARCH OF ARRESTED PERSONS

(2) SEIZURES OF ARRESTED PERSONS

(3) MEDICAL EXAMINATION OF ACCUSED

(4) REPORTS OF ARRESTS TO BE SENT TO DISTRICT MAGISTRATE

**(5) PERSON ARRESTED NOT TO BE DISCHARGED EXCEPT ON BOND
OR BAIL.**

RIGHTS OF ARRESTED PERSONS

- 1. RIGHT TO BE INFORMED OF THE GROUNDS FOR ARREST**
- 2. RIGHT TO BE INFORMED OF RIGHT TO BAIL**
- 3. RIGHT TO BE PRODUCED BEFORE A MAGISTRATE WITHOUT DELAY**
- 4. RIGHT OF NOT BEING DETAINED FOR MORE THAN 24 HOURS WITHOUT JUDICIAL SCRUTINY**
- 5. RIGHT TO CONSULT A LEGAL PRACTITIONER**
- 6. RIGHT OF AN ARRESTED INDIGENT PERSON TO FREE LEGAL AID AND TO BE INFORMED ABOUT IT.**
- 7. RIGHT TO BE EXAMINED BY A MEDICAL PRACTITIONER**

SEARCH AND SEIZURE

SUMMONS OR WRITTEN ORDER

SEARCH WITH A WARRANT

SEARCH WITHOUT A WARRANT

SEIZURE

SEARCH AND SEIZURE

SUMMONS OR WRITTEN ORDER

SEARCH WITH A WARRANT

SEARCH WITHOUT A WARRANT

SEIZURE

TYPES OF PROCEEDINGS UNDER THE CODE

PROCEEDINGS	BY WHOM	OBJECT AND NATURE	OATH
INVESTIGATION	BY POLICE OR OTHER AUTHORIZED PERSON (OTHER THAN A MAGISTRATE)	COLLECTION OF EVIDENCE FOR THE PURPOSE OF ANY INQUIRY OR TRIAL	OATH CANNOT BE ADMINISTERED TO THE PERSON EXAMINED FOR INTERROGATED
INQUEST	(A) BY POLICE U/S 174 (B) BY MAGISTRATE U/S 176	(A) ASCERTAINMENT OF THE CAUSE OF DEATH INCASES OF SUICIDE, UNNATURAL DEATH, DEATH CAUSED IN COMMISION OF CRIME, ETC (B) INQUEST BY MAGISTRATE IS MANDATORY IN CASES OF (I) DEATH IN CASE OFBRIDE –BURNING OR BRIDE SUICIDE,(ii) DEATH OF A PERSON WHILE IN POLICE CUSTODY.	(A) POLICE CANNOT ADMINISTER OATH TO PERSON SUMMONED FOR INQUEST (B) MAGISTRATE MAY ADMINISTER OATH TO PERSONS TO BE EXAMINED BY HIM.

TYPES OF PROCEEDINGS UNDER THE CODE

PROCEEDINGS	BY WHOM	OBJECT AND NATURE	OATH
INQUIRY	BY A MAGISTRATE OR COURT	JUDICIAL DETERMINATION OF ANY QUESTION (OTHER THAN ONE RELATING TO THE GUILT OR INNOCENCE OF ANY PERSON IN RESPECT OF ANY OFFENCE ALLEGED AGAINST HIM) UNDER THE CODE.	OATH CAN BE ADMINISTERED TO THE PERSONS TO BE EXAMINED.
TRIAL	- DO -	JUDICIAL DETERMINATION AS TO THE GUILT OF INNOCENCE OR ANY PERSON ACCUSED OF ANY OFFENCE	_do_

BAIL

CIRCUMSTANCES IN WHICH RELEASE ON BAIL IS MANDATORY

- 1. WHERE THE ARRESTEE IS NOT ACCUSED OF A NON-BAILABLE OFFENCE**
- 2. WHERE THE INVESTIGATION IS NOT COMPLETED WITHIN THE TIME PRESCRIBED**
- 3. WHERE NO REASONABLE GROUNDS EXISTS FOR BELIEVING THE ACCUSED GUILTY OF NON – BAILABLE OFFENCES**
- 4. WHERE TRIAL BEFORE MAGISTRATE NOT CONCLUDED WITHIN 60 DAYS**
- 5. WHERE NO REASONABLE GROUNDS EXISTS FOR BELIEVING THE ACCUSED GUILTY AFTER CONCLUSION OF TRIAL BUT BEFORE JUDGEMENT.**

BAIL

DISCRETION IN GRANTING BAIL IN CASES OF NON-BAILABLE OFFENCES:-

- 1. DISCRETION IN GRANTING BAIL HOW TO BE EXERCISED**
- 2.NO BAIL IN CASE OF OFFENCE PUNISHABLE WITH DEATH OR IMPRISONMENT FOR LIFE.**
- 3. BAIL WITH CONDITIONS**
- 4. POWERS OF HIGH COURT OR SESSIONS COURT IN GRANTING BAIL.**

ANTICIPATORY BAIL

PRINCIPAL FEATURES OF FAIR TRIAL

1. ADVERSARY SYSTEM

2. INDEPENDENT IMPARTIAL AND COMPETENT JUDGES

3. PARTIES TO BE REPRESENTED BY COMPETENT LAWYERS

4. VENUE OF THE TRIAL

5. PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF

6. RIGHTS OF ACCUSED PERSONS AT THE TRIAL

1. RIGHT TO KNOW OF THE ACCUSATION

2. RIGHT OF THE ACCUSED TO BE TRIED IN HIS PRESENCE

3. EVIDENCE TO BE TAKEN IN PRESENCE OF ACCUSED

4. RIGHT OF CROSS-EXAMINE PROSECUTION WITNESSES

5. RIGHT TO PRODUCE EVIDENCE IN DEFENCE

6. RIGHT TO HAVE REASONED DECISION

7. DOCTRINE OF “*AUTREFOIS ACQUIT*” AND “*AUTREFOIS CONVICT*”

7. EXPEDITIOUS TRIAL

8. ALL PERVASIVE CONCEPT OF FAIR TRIAL

THANK YOU