# IPC Section 85: Act of a person incapable of judgment by reason of intoxication caused against his will.

## IPC Section 85: Act of a Person Incapable of Judgment by Reason of Intoxication Caused Against His Will - A Detailed Explanation  
  
Section 85 of the Indian Penal Code (IPC) deals with the complex issue of criminal liability when an individual commits an offence while intoxicated, specifically when that intoxication was involuntary. It provides a potential defense for individuals who were rendered incapable of judgment due to intoxication forced upon them without their consent. The section states:  
  
\*\*“Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law: provided that the thing which intoxicated him was administered to him without his knowledge or against his will.”\*\*  
  
This section involves several crucial aspects that require careful analysis:  
  
  
\*\*1. Involuntary Intoxication:\*\*  
  
The core principle of Section 85 is the involuntary nature of the intoxication. The defense only applies if the intoxicating substance was administered to the person without their knowledge or against their will. This means they were forced or tricked into consuming the substance, or it was administered to them unknowingly. Voluntary intoxication does not fall under this section and may even aggravate the offence in certain circumstances.  
  
  
\*\*2. Incapacity of Knowing the Nature of the Act:\*\*  
  
Similar to the insanity defense under Section 84, this clause focuses on the individual's cognitive capacity to understand what they are physically doing at the time of the offence. The intoxication must have rendered them incapable of comprehending the nature of their actions.  
  
  
\*\*3. Or that he is Doing What is Either Wrong or Contrary to Law:\*\*  
  
This clause addresses the individual's ability to understand the moral and legal implications of their actions. Even if they understand the physical nature of their act, the intoxication must have impaired their judgment to the extent that they cannot comprehend that it is morally wrong or legally prohibited.  
  
  
\*\*4. "At the Time of Doing It":\*\*  
  
This phrase emphasizes the importance of the individual's mental state at the precise moment the act was committed. The intoxication must have rendered them incapable of judgment \*at that specific time\*. The focus is on the immediate impact of the involuntary intoxication on the individual's mental faculties.  
  
  
\*\*5. Burden of Proof:\*\*  
  
The burden of proving involuntary intoxication and its impact on their mental state rests on the accused. This involves providing evidence that the intoxicating substance was administered without their knowledge or against their will and that it rendered them incapable of understanding the nature and consequences of their actions. This can include medical evidence, witness testimony, and circumstantial evidence.  
  
  
\*\*6. Degree of Intoxication:\*\*  
  
The level of intoxication must be significant enough to render the individual incapable of judgment. Mere impairment of judgment or reduced inhibitions is not sufficient. The intoxication must have reached a level that effectively deprived the person of the ability to understand the nature and wrongfulness of their actions.  
  
  
\*\*7. Relevance of Motive:\*\*  
  
Similar to the insanity defense, the motive behind the act is irrelevant under Section 85. Even if the act was motivated by malice or other negative intentions, the individual can still be exempt from criminal liability if they were involuntarily intoxicated to the point of incapacity.  
  
  
\*\*8. Judicial Determination:\*\*  
  
Ultimately, the question of whether the accused was involuntarily intoxicated to the point of incapacity is a matter of fact to be determined by the court. The judge considers all the evidence presented and makes a decision based on the balance of probabilities.  
  
  
\*\*9. Consequences of Successful Defense:\*\*  
  
If the court accepts the defense of involuntary intoxication, the accused is acquitted of the offence. This means they are not held criminally liable for their actions while under the influence of the involuntarily administered intoxicant.  
  
  
\*\*10. Distinction from Voluntary Intoxication:\*\*  
  
It is crucial to distinguish Section 85 from cases of voluntary intoxication. Section 86 of the IPC deals with voluntary intoxication. While voluntary intoxication does not provide a complete defense, it may be considered in mitigating the accused's culpability if it impairs their ability to form a specific intent required for certain offences. However, if the individual has formed the intent before becoming intoxicated, voluntary intoxication provides no defense.  
  
  
\*\*11. Evidentiary Challenges:\*\*  
  
Proving involuntary intoxication can be challenging. The accused must provide compelling evidence to establish that the intoxication was indeed against their will or without their knowledge. This can be difficult, particularly if the incident occurred in private or if there are no witnesses.  
  
  
\*\*12. Policy Considerations:\*\*  
  
Section 85 reflects a policy of fairness and justice. It recognizes that holding individuals criminally responsible for actions committed while involuntarily intoxicated would be unjust. It acknowledges that individuals in such situations lack the necessary control over their actions and should not be punished for acts they committed while effectively incapacitated.  
  
  
\*\*13. Conclusion:\*\*  
  
Section 85 of the IPC provides a crucial legal safeguard for individuals who commit offences while involuntarily intoxicated. It recognizes that individuals in such circumstances are not acting with free will and should not be held criminally liable for actions they committed while incapable of judgment. The successful application of this defense requires establishing both the involuntary nature of the intoxication and its impact on the individual's mental state to the extent that they could not understand the nature and consequences of their actions.