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LIST OF ABBREVIATIONS

COI	CONSTITUTION OF INDIA
FIR	FIRST INFORMATION REPORT
HON'BLE	HONOURABLE
BNS	BHARTIYA NYAYA SANHITA
MAD	MADRAS HIGH COURT
SEC.	SECTION
SC	SUPREME COURT
SCC	SUPREME COURT CASE
SCJ	SUPRME COURT JOURNAL
V.	VERSES

INDEX OF AUTHORITIES

TABLE OF CASES:

- Smuthram v. state of Tamil Nadu (MAD)-1997-1-68
- K.M. Nanavati v. state of Maharashtra AIR 1962 SUPREME COURT 605
- Muthu v. state of Tamil Nadu 2016 H.C.P.No.604 of 2016
- Virsa Singh v. State of Punjab AIR 1958 SC 465)

BOOKS:

- GAUR, K.D: INDIAN PENAL CODE (8TH EDITION) 2023
- MISHRA, S.N : INDIAN PENAL CODE (9TH EDITION)
- PSA PILLAI : CRIMINAL LAW

WEBSITES:

- www.indiankanoon.com
- www.scconline.com
- www.advocatevidhi.com
- www.ipleaders.blog

STATUTES

- BHARTIYA NYAYA SANHITA 2023

STATEMENT OF JURISDICTION

The Hon'ble Court has jurisdiction to try the instant matter under Section 177 read with Section 209 of the Code of Criminal Procedure, 1973.

Section 199:

\$199. Ordinary place of inquiry and trial-

Every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed."

Read with Section 232:

232. Commitment of case to Court of Session when offence is triable exclusively by it- When in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the Court of Session, he shall-

- (a) Commit the case to the Court of Session;
- (b) Subject to the provisions of this Code relating to bail, remand the accused to custody during, and until the conclusion of the trial;
- (c) Send to that Court the record of the case and the documents and articles, if any, which are to be produced in evidence;
- (d) Notify the Public Prosecutor of the commitment of the case to the Court of Session.

STATEMENT OF FACTS

- Mr. X and Mr. Y were both employees at a local factory in Chennai and were known to have interpersonal tension due to rumors allegedly spread by Mr. Y.
- On the night of December 5, 2024, at around 9:00 PM, Mr. X and Mr. Y encountered each other at a nearby bar, where a heated verbal argument took place.
- Mr. X, in a fit of anger, accused Mr. Y of tarnishing his image at work, leading to an emotionally charged confrontation.
- The situation escalated quickly. In a sudden and unpremeditated act, Mr. X picked up a glass bottle from the bar and struck Mr. Y on the head.
- Mr. Y fell unconscious instantly. The bar manager and bystanders rushed to his aid and called for an ambulance.
- Mr. Y was declared dead on arrival at the hospital, with medical reports indicating a severe head injury caused by the blunt force trauma from the bottle.
- The police were informed, and Mr. X was arrested and charged under Section 101 of the Bharatiya Nyaya Sanhita (BNS), 2023, which deals with murder.
- During interrogation, Mr. X claimed he did not intend to kill Mr. Y, but merely acted impulsively in the heat of the moment with no premeditated motive.
- Mr. X has no prior criminal record, did not flee the scene, and cooperated fully with the investigation.

STATEMENT OF CHARGES

1. Whether Mr. X's act of striking Mr. Y on the head with a glass bottle amounts to murder under Section 101 of the BNS or whether it can be categorized under Section 100 (Culpable homicide not amounting to murder)?
2. Whether the act of striking Mr. Y on the head with the glass bottle shows a clear intention to cause death, or whether it was an act done with knowledge that it is likely to cause death, as per Section 101 of the BNS?
3. Whether Mr. X's defense of acting in the heat of passion, without premeditation, can be considered under the exception to murder?
4. Whether the fact that Mr. Y died from the injuries inflicted by Mr. X can be classified as a direct consequence of the attack, thereby establishing the 'cause of death' under Section 101 of the BNS?
5. Whether the death of Mr. Y was a result of an unlawful act that was done with the intention of causing harm, thereby attracting Section 101 of the BNS, or if the act was done in self-defense (if applicable in this context) as per Sections 34-40 of the BNS?

SUMMARY OF ARGUEMNTS

ISSUE 1 - WHETHER MR. X'S ACT OF STRIKING MR. Y ON THE HEAD WITH A GLASS BOTTLE AMOUNTS TO MURDER UNDER SECTION 101 OF THE BNS OR WHETHER IT CAN BE CATEGORIZED UNDER SECTION 100 (CULPABLE HOMICIDE NOT AMOUNTING TO MURDER)?

It is humbly submitted before this Hon'ble court that the act of Mr. X of striking the deceased on the head with glass bottle is an act of culpable homicide not amount to murder because of his lack of, intention and premeditated planning.

Issue 2 - Whether the act of striking Mr. Y on the head with the glass bottle shows a clear intention to cause death, or whether it was an act done with knowledge that it is likely to cause death, as per Section 101 of the BNS?

It is humbly submitted before this Hon'ble court that the act of striking deceased with glass bottle on the head does not show an intention to cause death. Infact it shows that act was done in sudden quarrel and with the knowledge that is likely to cause death. There was neither any intention nor premeditation to cause death.

Issue 3 - whether Mr. X's defense of acting in the heat of passion, without premeditation, can be considered under the exception to murder?

It is humbly submitted before this Hon'ble court that Mr. X's defense of acting in the heat of passion, without premeditation, can be considered under the exceptions to murder as outlined in Section 103 of the Bharatiya Nyaya Sanhita (BNS), 2023. According to the exception, culpable homicide is not considered murder if the offender, while deprived of self-control due to grave and sudden provocation, causes the death of the person who gave the provocation.

ISSUE 4 - Whether the fact that Mr. Y died from the injuries inflicted by Mr. X can be classified as a direct consequence of the attack, thereby establishing the 'cause of death' under Section 101 of the BNS?

It is humbly submitted before this Hon'ble court that Mr. X's conduct, though resulting in Mr. Y's unfortunate demise, must be examined in light of the surrounding circumstances — namely, the sudden provocation and absence of premeditation. The altercation occurred spontaneously, in the heat of passion, following a verbal confrontation that escalated without forewarning. Mr. X struck Mr. Y with a glass bottle in a moment of emotional outburst, not with the intent to kill but rather to express his anger.

ISSUE 5 - Whether the death of Mr. Y was a result of an unlawful act that was done with the intention of causing harm, thereby attracting Section 101 of the BNS, or if the act was done in self-defense (if applicable in this context) as per Sections 34-40 of the BNS?

It is humbly submitted before this Hon'ble court that Mr. x had no mens rea to commit murder and the incident was impulsive act in sudden quarrel. Moreover the blow was not aimed at a vital organ with lethal force, and the result (death) was not reasonably foreseeable.

ARGUMENTS ADVANCED

ISSUE 1 - WHETHER MR. X'S ACT OF STRIKING MR. Y ON THE HEAD WITH A GLASS BOTTLE AMOUNTS TO MURDER UNDER SECTION 101 OF THE BNS OR WHETHER IT CAN BE CATEGORIZED UNDER SECTION 100 (CULPABLE HOMICIDE NOT AMOUNTING TO MURDER)?

It is humbly submitted before this Hon'ble court that the act of Mr. X of striking the deceased on the head with glass bottle is an act of culpable homicide not amount to murder because of his lack of, intention and premeditated planning.

CONTENTION 1 – ABSENCE OF INTENTION TO CAUSING A DEATH

Section 101 of the Bharatiya Nyaya Sanhita (BNS), 2023, defines murder as an act committed with the intention of causing death or with the knowledge that such an act is likely to cause death. However, in the present case, as per the prosecution's own version, the incident was sudden and unpremeditated, arising out of a heated argument between two co-workers, Mr. X and the deceased at a bar. In the heat of passion and following a personal provocation, Mr. X struck Mr. Y (deceased) with a glass bottle which is an object not ordinarily regarded as a deadly weapon. It is pertinent to note that Mr. X did not repeat the assault, did not carry any weapon with the intention to cause harm, and made no attempt to flee the scene.

CONTENTION 2 – APPLICABILITY OF EXCEPTION 4 TO SECTION 101 OF BNS 2023

Even assuming, arguendo, that the act resulted in death, it squarely falls within the ambit of Exception 4 to Section 101. The act was committed without premeditation and arose out of a sudden fight between the parties. It occurred in the heat of passion, upon a sudden quarrel, without the offender having taken undue advantage or having acted in a cruel or unusual manner. Each of these essential ingredients of Exception 4 stands satisfied in the present case. In the case of "Smuthram v. state of Tamil Nadu"¹ the madras high court ruled that the appellant's action in picking up a weapon and causing injury during fight which results in death of the deceased were covered under exception 4 of section 101 of BNS. (Culpable homicide not amount to murder)

¹ (MAD)-1997-1-68

Issue 2 - Whether the act of striking Mr. Y on the head with the glass bottle shows a clear intention to cause death, or whether it was an act done with knowledge that it is likely to cause death, as per Section 101 of the BNS?

It is humbly submitted before this Hon'ble court that the act of striking deceased with glass bottle on the head does not show an intention to cause death. Infact it shows that act was done in sudden quarrel and with the knowledge that is likely to cause death. There was neither any intention nor premeditation to cause death.

CONTENTION 1 – ABSENCE OF PREMEDITATION OR MOTIVE

The incident arose from a sudden and heated verbal exchange between two co-workers at bar moreover there is no evidence of pre planning, preparation or previous threat that would suggest Mr. X had premeditated intention

To kill the deceased. Moreover in the case of “K.M. Nanavati v. state of Maharashtra”² the Hon'ble Supreme Court acknowledged that an act committed in sudden quarrel and without premeditation may reduce culpability.

CONTENTION 2 – NATURE OF WEAPON USED

The weapon used by Mr. X is glass bottle no doubt it is capable of causing injury but it is not inherently a deadly weapon .however if Mr. X had an intention to cause death then he must had the deadly weapon with himself like knife and gun etc. Moreover the use of glass bottle which is available at his hand during the argument it reinforces the absence of premeditated intent

² AIR 1962 SUPREME COURT 605

Issue 3 - whether Mr. X's defense of acting in the heat of passion, without premeditation, can be considered under the exception to murder?

It is humbly submitted before this Hon'ble court that Mr. X's defense of acting in the heat of passion, without premeditation, can be considered under the exceptions to murder as outlined in Section 103 of the Bharatiya Nyaya Sanhita (BNS), 2023. According to the exception, culpable homicide is not considered murder if the offender, while deprived of self-control due to grave and sudden provocation, causes the death of the person who gave the provocation.

CONTENTION 1 – SUDDEN GRAVE AND PROVOCATION

In this case, the incident occurred spontaneously during a heated argument at a bar, where Mr. X accused Mr. Y of spreading damaging rumors about him at work. This accusation led to an emotionally charged confrontation, during which Mr. X, in a fit of anger, struck Mr. Y on the head with a glass bottle. Mr. X's act was not premeditated. The use of an improvised weapon and the suddenness of the incident support the claim of temporary loss of self-control. Although the blow resulted in Mr. Y's death, the act appears to have been committed in the heat of the moment, without deliberation. Therefore the defense of acting in heat of passion, without premeditation, can be considered under the exception to murder. In case of "Muthu v. state of Tamil Nadu 2016"³ the madras high court held that continuous harassment would lead to deprivation of power of the self-control and this will fall under exception.

³ H.C.P.No.604 of 2016

ISSUE 4 - Whether the fact that Mr. Y died from the injuries inflicted by Mr. X can be classified as a direct consequence of the attack, thereby establishing the ‘cause of death’ under Section 101 of the BNS?

It is humbly submitted before this Hon’ble court that Mr. X’s conduct, though resulting in Mr. Y’s unfortunate demise, must be examined in light of the surrounding circumstances — namely, the sudden provocation and absence of premeditation. The altercation occurred spontaneously, in the heat of passion, following a verbal confrontation that escalated without forewarning. Mr. X struck Mr. Y with a glass bottle in a moment of emotional outburst, not with the intent to kill but rather to express his anger. The fact that Mr. Y’s death resulted from the injury does not automatically imply that it was a direct or intended consequence of Mr. X’s act. For a charge of murder under Section 101 to stand, the prosecution must establish not only the *actus reus* (the act) but also the *mens rea* (the mental element) — a deliberate intention or knowledge that death was a likely result. In the absence of such intent or foresight, Mr. X’s act is more appropriately categorized as *culpable homicide not amounting to murder* or even *grievous hurt* under the BNS, given that the fatal outcome was unintended and occurred during a sudden quarrel without malice aforethought.

ISSUE 5 - Whether the death of Mr. Y was a result of an unlawful act that was done with the intention of causing harm, thereby attracting Section 101 of the BNS, or if the act was done in self-defense (if applicable in this context) as per Sections 34-40 of the BNS?

It is humbly submitted before this Hon’ble court that Mr. x had no *mens rea* to commit murder and the incident was impulsive act in sudden quarrel. Moreover the blow was not aimed at a vital organ with lethal force, and the result (death) was not reasonably foreseeable.

CONTENTION 1 - LACK OF INTENTION TO KILL-

Mr. X did not go to the bar with a premeditated plan to harm Mr. Y. The incident was spontaneous and occurred in the heat of the moment, triggered by a verbal confrontation. Mr. X used a readily available object (a glass bottle), not a weapon brought with the intention to kill. In leading case of “Virsa Singh v. State of Punjab”⁴ The Supreme Court held that intention or knowledge must be proven beyond doubt to

⁴ AIR 1958 SC 465)

establish murder.

CONTENTION 2 - GRIEVOUS HURT IN SUDDEN QUARREL – EXCEPTION TO MURDER

Under Exception 4 to Section 101, if the act was committed without premeditation, in a sudden fight, in the heat of passion, and without undue advantage or cruelty, then the offence does not amount to murder. According to facts of this case there was no pre-planning and the fight was sudden. Moreover the act happened in a state of provocation and emotional turmoil. And Mr. X did not repeatedly assault Mr. Y or act with brutality which shows that there was no pre meditated planning and intention to cause death of the deceased

PRAYER

Therefore, in the light of the facts of case, issues raised, arguments advanced and authorities cited, it is humbly submitted before the Hon'ble Court-

- That FIR lodged by the state may be quashed along with subsequent proceedings in favour of petitioner

OR

- Pass any other order or direction that this Hon'ble court deems fit in the light of interest of justice, equity and good conscience and for this act of kindness the council on behalf of the respondent as in duty bound shall forever pray.

Place: Chandigarh

Date: 11th April, 2025

sd. _____

Respondent

Sd. _____

Ld. Counsel

