

## IPC

21 Jan 2022

He will be punished

here he means the person it can be female or the male.

Person means it can be the group of the person as well. The intention will be looked here.

Movable property - e.g. jewellery, suitcase etc.

Immovable property - which can't move e.g. house.

खेत में फसलें उगी हुई हैं - immovable property

If someone cut it and took this offence will be considered as movable property.

Dishonest - गलत intention से किया गया कार्य। यह पर intention देखा जाता है। (Mens rea)

Fraudulent - fraud करना किसी के साथ (धोखाधड़ी)

Electronic record - any document which is saved in electronic media. E.g. pen drive, e-pen, any soft document.

Act or omission - whether you're declare to do so or declare to not to do so.

e.g. it is your act to cast vote (Act) but you're not allowed to vote for someone else. (Omission)

Omission - किसी कार्य को करने से रोकना।

Act - किसी कार्य को करना

जब किसी व्यक्ति को बिना वॉरंट की बैंड कर दिया गया हो तो court के समक्ष प्रस्तुत करने के लिए Habeas Corpus की writ file की जाती है high court में।

Sec 43

**Illegal** (निषेध है court के द्वारा की करना ही नहीं है),

**legal** (this which are not prohibited by court) and

**bound to do** (आप बाध्य हो करने के लिए [No smoking zone you're not allowed to smoke])

Sec 44 Injury -

**Injury** to or of:

Body - break or harm a part of a body. (Physical damage to the body.)

Mind - e.g. mental harassment. Mental touch.

Reputation - e.g. Defamation (मान हानि)

To read Sec 21 it will define who is public servant and is divided in 12 parts

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22 Jan 2022

### Section 53: Punishments (Important)

Imprisonment (कारावास)

- Rigorous (कठोर) means to assign the work to the prisoners.
- Simple

**Imprisonment for life** (आजीवन कारावास)

**Forfeiture of property** (कुर्क करना/ जब्त करना)

**Death punishment** - Given in very rare case. It is only given when the gravity of crime of very high (beyond the limit).

- It is said in Sec 305 that to provoke a minor to commit succeed.
- A person who is in imprisonment for life; he tries to kill someone, then sentence of death capital will be given.
- Heinous crime e.g. Rape and Murder.

If a family involve in a murder and there is a minor child in that family. Then the court will ask his mother or grandmother to appoint a guardian within six month of time. If they fail to do so then the court will appoint a guardian to that child. And court will appoint someone to make regular visit to check the child's status.

**Fine** - If someone who can pay but is not paying then court seize the property of the person.

**27 Jan 2022**

**Must listen recording of the class**

IPC has probation and punishment for the crime

Cr.PC has to procedure to deal with crime

CPC has the procedure for the civil matter like land disputes.

General Exception

Sec 76 - If a person commits an offence by reason of **mistake of facts** or **mistake of law**.

Mistake of fact - A wants to kill B but mistakenly he killed C then it is mistake of fact.

Mistake of law - Ignorance of law.

**Mistake of fact and law is important in respect to exam.**

Sec 77 - Act of judge - without knowledge of jurisdiction if a judge make a law of orders then it will considered that order made in a good faith than the act will be considered justified.

Sec 78 - Act done pursuant to the judgement

Sec 79 - Act done by a person justifies

**Mens Ria** - Guilty mind (wrongful intention) and any act done with it, is called **Actus Reus**.

**28 Jan 2022**

Sec 80 - Accident in doing a lawful act - Any act done to prevent an accident, so that act is not considered as as offence.

e.g. X finds that a wagon car is running without attendant; to prevent the accident X tries to capture the wagon and due to that process some people gets hurts, so it was not considered as an offence.

e.g. A prisoner tries to run away and police man fire (a lawful act) a bullet and mistakenly hits someone else, then it will not considered as an offence.

Sec 81: Any act done with without criminal intent, means your intention is to do the act is in good faith, but something unfortunate happens than it is not an offence.

e.g. If a person goes to a party and an Ox entered with him and because of that Ox some people gets hurt, so that person has no guilty intention.

E.g. X sees a fairy wheel is about to break and he tries to save people by pushing them out to save their life, and if people gets hurt because he pushed them; then it won't be considered as an offence. Because he tries to prevent a big accident.

Sec 82: Act of child under seven years of age - no understanding of child.

E.g. if a child of six years theft some goods from a shop and sells in the less price and the person who buys that good determines that this goods is obtained by theft and he complaint for him, the court will not considers his complaint.

*If a child less than 18 years commit a crime then the child will be called as **Juvenile offenders**.*

Sec 83: Child above 7 and under 12 years - immature understanding of child.

Sec 84: Act of a person of unsound mind

e.g. A and B both goes on picnic (A has an issue of getting stroke sometimes), and after some time A has stroke attack and during that he pushes B in a waterbody and because of that B died then A will not be considered liable for that offence.

Sec 85: Incapable of judgement by reason of intoxication - intoxication was done against his will or he was unaware before getting intoxicating. And then he commits an act then it will not considered as an offence.

Sec 86: e.g. A and B are two person. B has heart surgery and A has knowledge of it. A offers the drink to B and after sometime A beats him on his heart side and B died (because A know where to hit B), then it is an offence.

Sec 87 & 88: e.g. A finds the firecracker in the fully crowded market so to prevent the accident he throws that cracker in a shop and shopkeeper is hurt, so it is not an offence. And in case B gives him a consent to throw that cracker in his property to save big accident and something unfortunate happen with B then it is not an offence.

## **29 Jan 2022**

Sec 89: if a offence committed by a person but in a good faith in the benefit of child or insane person by taking permission of the guardian, then it won't be considered as a offence.

### **Exception**

- if an intentionally death has been caused then it will be considered as a offence.
- Grievous hurt or hurt which likely to cause death

Sec 90: if the consent has given in misconception (गलती से कुछ और समझ कर किसी ओर चीज़ की कन्सेंट दे दी है). e.g. If a consent has been taken by unsound mind person or by some intoxication in which the person is not aware of giving the consent; that will be considered as an offence.

Fear of injury - किसी को चोट का भय देकर उस से सहमति ली है तो वह समहामती अमान्य है।

Any person less than 12 years can't give a consent.

Sec 91: Exception of 87, 88 and 89

If independent act is not considering as an offence then it is not an offence. e.g. marriage of 15 year child is valid under muslim law.

Sec 92: किसी व्यक्ति के हित लिए कोई कार्य किया गया है without his consent; then it will not considered as an offence.

e.g. If Y is committing suicide on railway track and if X tries to save him and Y's leg got injured in that process then X is not liable for that.

A has bitten by snake and B is a person who is a doctor and treat the similar cases and A dies while the operation then B is not liable for that.

यदि A को किसी भोपे (prist) के पास ले गए होते एवं A की मृत्यु हो जाती तो वो भोपा liable hoga.

Sec 93: Communication made in good faith. - to hide something to prevent an accident or hurry-scurry (अफ़रा-तफ़री)

Sec 94: Act to which a person is compelled by threats - e.g. गर्दन पर चाकू रख कर पैसे माँगना। डर दिखा कर कर कुछ करवाना।

Sec 95: act causing slight harm - कुछ अंशभर नुक़सान पहुँचाना। e.g. two ladies fighting with broomstick. Two neighbour had mayhem and hitting each other by slapping; then it is slight harm, so it is not considered as an offence.

The harm which is taken in normal sense is slight harm.

## 4 Feb 2022

### Right of private defence (Important)

#### Sec 96 - Things done in private defence

e.g. A and B fought after their bike accident, not B has baseball bat in his bag and he usually carries. B hits that baseball bat in head of A and A died, it is not considered as an private defence.

X is going at her home in night and Y was chasing her, due to the fear X hits a stone in the head of Y and Y died, it is considered as private defence.

In this intention will be considered.

At imminent death cause करने का intention.

किसी व्यक्ति को गुस्सा दिलाया (उकसाया) जाए एवं वो अगर कोई action कर देता है तो या पर भी private defence ka exception milega.

Burden of proof is on the person who takes plea of private defence.

**More than required harm** will not considered as a private defence.

If X and Y fought in morning and Y kills X in evening is not a private defence. Because he has ample of time to reach some authority like police.

Things done in private defence:

1. जो भी कार्य private defence में किया जाता है उसको जुर्म नहीं कहा जाएगा।

- ज़रूरत से ज़ायद नुक़सान अगर पहुँचाया गया है तो (more harm than necessary is caused)

- अगर उचित समय है की किसी public authority समक्ष ज़ाया जा सके (if there is sufficient time to recourse to public authorities)

- जहाँ पर मृत्यु का या फिर चोट या गंभीर चोट का या सम्पत्ति को नुक़सान का दर हो (there is reasonable apprehension of death or previous hurt to the person or property)

#### Sec 97: Right of private defence of the body and of property

Any action caused to save any related person to the person is considered as private defence.

e.g. X has a dog, the dog ran out and bite to Y and again the dog goes into the house. Y wait X to go out and then Y kills the dog, it is a murder.

e.g. X's dog goes into the Y's garden and destroys it every time when the dog enters into it, Y asks many times X to keep the dog out of his garden. One day the dog again entered in Y's garden and Y kills that dog, it is private defence.

e.g. X invites Y for dinner at home and X didn't had a notice board out of his house to beware of dog. Now X's dog bite to Y and to save himself Y hits dog very hard with his stick; In this case X can't take plea that Y hits or kills his dog.

खेत में उगी हुई फसल अचल संपत्ति है एवं कोई व्यक्ति वह फसल काट कर ले जाए तो उस पर अचल संपत्ति को चला बनाने व चोरी का case file होगा।

उगी हुई फसल, लम्बे समय से बंधा हुआ पशु, किसी जंजीर से बंधी हुई कोई वस्तु आदि अचल संपत्ति मानी जाती है।

**Sec 98: Right of private defence against the act of a person of unsound mind, etc**

Any intoxicated person or unsound mind person is committing some crime and if someone kills him to save someone, it will be considered as private defence.

**Sec 99: Acts against which there is no right of private defence**

If a Public officers is doing something is good fait, and if someone hits him then it is not considered as private defence.

e.g. X goes to arrest Y, Y's family bits X to save Y, Y's family can't take plea for private defence.