

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

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 preson 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 byte 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 beats X to save Y, Y's family can't take plea for private defence.

12 Feb 2022

Sec 113: here abettor (उकसाने वाला व्यक्ति) is doing act by himself.

Sec 114: Present of abettor when offence is committed.

A is asking B to kill Z, B is in the house and A is outside. Still A is outside of the house he will also be present for trial for Z's murder.

Sec 115: Punishment for death or imprisonment for life (LI):

Unsuccessful (to commit offence): 7 years imprisonment + fine

Conscription (tried but failed to commit offence): 14 years + fine

Sec 116: when provision for imprisonment -

Unsuccessful (to commit offence): 1/4th part of punishment of that offence has to given

If public servant is allowed to happen that crime then he will be punished with 1/2 part of the punishment.

A & B is beating C are in public place and a police officer is there but didn't take any action against that then the police man is also liable to get the punishment.

Sec 117: Any offence which has been committed where more than 10 people has been abated by the abettor.

Punishment upto 3 years + fine

Sec 118: concealing of design (झूठ बोल कर उकसाना)

A abet B to commit an offence; then A will also present for trial for the same offence.

Unsuccessful: 3 years

Successful: 7 years

Sec 119 : If public servant concealing of design:

1/2 of the longest term of punishment shall be given

If offence is punishable for death:

Then the punishment shall be given for 10 years

If the offence is not successful:
Then the 1/4th part of the punishment will be given.

18 Feb 2022

Sec 120 A - Criminal conspiracy

In conspiracy (संयंत्र) the person himself included.

In abatement the person is not including himself instead of he abet someone else.

State of Delhi vs Navjot Sandhu

Yakub Abdul Razak Memon vs State Of Maharashtra

Sec 120 B - Punishment of criminal conspiracy

- Death
- Life imprisonment
- 2 years or for more regress (सश्रम) imprisonment
- Or punishment of abatement

The person who is involved in it by mistake:

- 6 months imprisonment or fine.

19 Feb 2022

Offence against state

Sec 121 - Waging war - war against govt of India.

Punishment - Death or Life Imprisonment and fine

Afzal guru case can be cited here

State of Delhi vs Navjot Sandhu

Red fort attack case - Mohammad Arif vs NCT Delhi

Mumbai attack case - Kasab vs State of Maharashtra

Sec 121 A - Conspiracy for committing offence under section 121, the punishment will be awarded for the same.

Punishment - Life Imprisonment or Imprisonment of any description of 10 year and also be liable to be fine.

Sec 122 - Collecting arms or anything which is related to the committing conspiracy.

Punishment is same as sec 121 A.

Sec 123 - Concealment of design of waging war (smuggling करना)

Punishment is same as sec 121 A

Sec 124 - Assaulting President or governor [illegal तरीके से कोई काम करवाने की कोशिश करना या करवाना]

Punishment - Upto 7 Year and fine

Procedure of sections 121 to 124:

- Non-bailable
 - उस crime के लिए bail नहीं दी जा सकती है
- Non-compoundable
 - असमझोते योग्य - जिसमें समझोता नहीं कर सकते

- Cognizable (संज्ञान)
- Court अपना suo-moto or appeal से संज्ञान ले सकता है।

5 Mar 2022

Sec 304 A: Causing death by negligence

304 B: Dowry Death -> within the 7 years [unnatural death + cruelty or harassment (by husband or his relatives)]

Dowry Prohibition Act

Essentials:

- 7 years
- Unnatural death
- Cruelty or harassment

Punishment: at least 7 year and extends to life imprisonment.

Devendrappa vs State of Karnataka

Kamesh Panjiyar vs State of Bihar

Bachni devi vs State of Haryana

Rajendra Singh vs state of Punjab

Satbir Singh vs State of Haryana [soon before marriage can't be treated as dowry death]

Sec 305: Abetment of suicide of child or insane person

Punishment of death or life imprisonment or 10 years of punishment + fine.

10 Mar 2022

Sec 306: Abetment of suicide

Sec 307: Attempt to murder and Attempts by life-convicts

Sec 308: Attempt to commit culpable homicide

Sec 309: Attempt to commit suicide

Sec 310: Thug

Sec 311: Punishment for Thug - life imprisonment and fine.

11 Mar 2022

Sec 312: Causing miscarriage

Two condition:

- Pregnant: upto 3 years.
- upto deliver 4/5 months, sensation: upto 7 years.

Sec 131: Causing miscarriage without woman's consent
imprisonment upto 10 years and fine

26 Mar 2022

Sec 326: Voluntarily causing grievous hurt by dangerous weapons or means.

shailesh vs state of maharashtra 1995

Mohindar singh vs state of punjab 1985

Bellana Kannam Naidu vs State Of Andhra Pradesh

- Father dead after one week.
- Grievous hurt

state of karnataka vs shivaji rao 2002

- four hours of blood loss
- Grievous hurt

kishan chand vs state of punjab 1994

- A & B goes to kill C.
- A hits C grievously on his scalp
- After sometime B hits by punch
- A got punishment under 299 and B got punishment in 326

state of karnataka vs shivaraaj 2002

- settlement by Rs 2000.

Sec 326A: Voluntarily causing grievous hurt by use of acid, etc

Sec 327: Voluntarily causing hurt to extort property, or to constrain to an illegal to an act
Punishment of 10 years

7 April 2022

Sec 349: Force

Sec 350: Criminal force

- Mens Rea
- Without other person's consent

Sec 351: Assault

Sec 352: punishment of assault or criminal force

- 3 months imprisonment or fine of Rs 500 or both

Sec 326 Very important