

SPECIAL TOPICS

CHAPTER

Offences against human body

LEC. NO: 1



ANAND SIR

OFFENCES AFFECTING THE HUMAN BODY:

SECTIONS	OFFENCES & PUNISHMENTS
100 & 105	Culpable homicide
101 & 103	Murder
102	Causing death of person other than whose death was intended
✓ 103 (2)	Mob lynching
104	Murder by life convict
106	Causing death by negligence
107 & 108	Abetment of suicide
109	Attempt to murder
✓ 110	Attempt to commit culpable homicide
111	Organized crime
✓ 112	Petty organized crime

113	Terrorist acts
114 & 115	Hurt
116 & 117	Grievous hurt
118	Causing hurt by dangerous weapons/ means
119	Causing hurt to extort property, or to constrain to an illegal act
120	Causing hurt to extort confession, or to compel restoration of property
121	Causing hurt to deter public servant from his duty

124	Causing grievous hurt by use of acid, etc.
125	Acts endangering life or safety of others
126	Wrongful restraint
127	Wrongful confinement
✓ 129	Criminal force
130	Assault
137	Kidnapping
138	Abduction
143	Trafficking of persons
✓ 145	Habitual dealing in slaves
✓ 146	Unlawful compulsory labour

Offences Affecting the Human Body

(മനുഷ്യശരീരത്തെ ബാധിക്കുന്ന കുറ്റകൃത്യങ്ങളെക്കുറിച്ച്)

Important Sections

- ❖ Culpable Homicide (കുറ്റകരമായ നരഹത്യ) - സെക്ഷൻ 100
- ❖ Murder (കൊലപാതകം) - സെക്ഷൻ 101
- ❖ Punishment for murder (കൊലക്കുറ്റത്തിനുള്ള ശിക്ഷ) - സെക്ഷൻ 103
- ❖ Punishment for culpable homicide not amounting to murder (കൊലപാതകം ആകാത്ത കുറ്റകരമായ നരഹത്യയ്ക്കുള്ള ശിക്ഷ) - സെക്ഷൻ 105

*Benz Abirah
likely.*

Homicide

HB \Rightarrow HB

Lawful Homicide---

Unlawful Homicide

Homicide

Culpable
homicide

Non Culpable Homicide.

Culpable Homicide
not amounting
to murder

Murder

Homicide

- ◆ Killing of a human being by a human being.
- ◆ It may be lawful or unlawful.
- ◆ Lawful: General exception
- ◆ Unlawful:
 1. Murder
 2. Culpable homicide not amounting to murder
 3. Causing death by negligence
 4. Suicide

Of offences affecting life

100. Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

likely

📖 Grounds

◆ Causing death of human being.

◆ Such death must have been caused by doing an act / Omission.

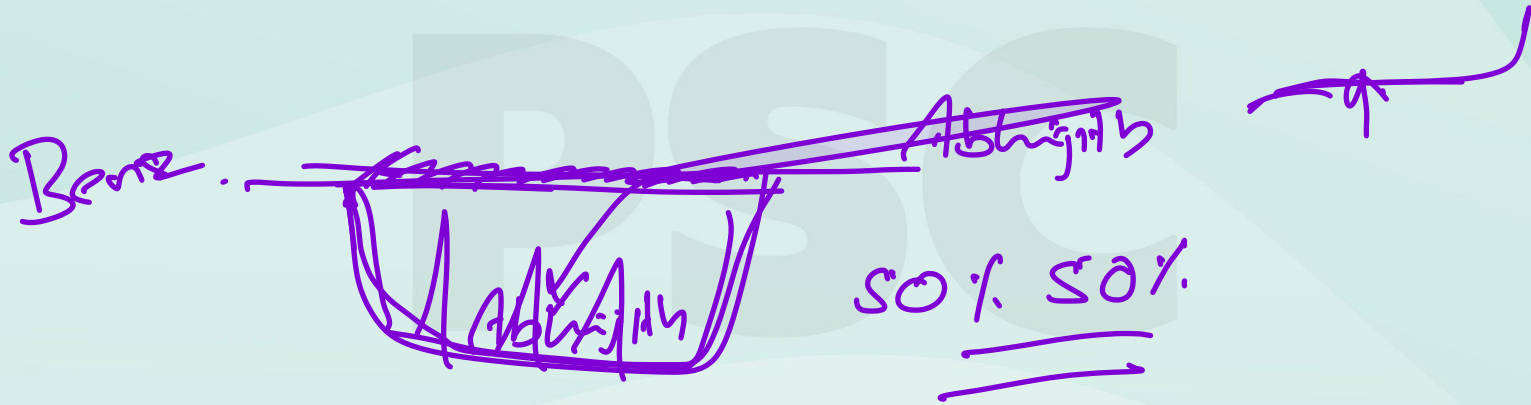
! With the intention of causing death.

! With the intention of causing bodily injuries as is likely to cause death.

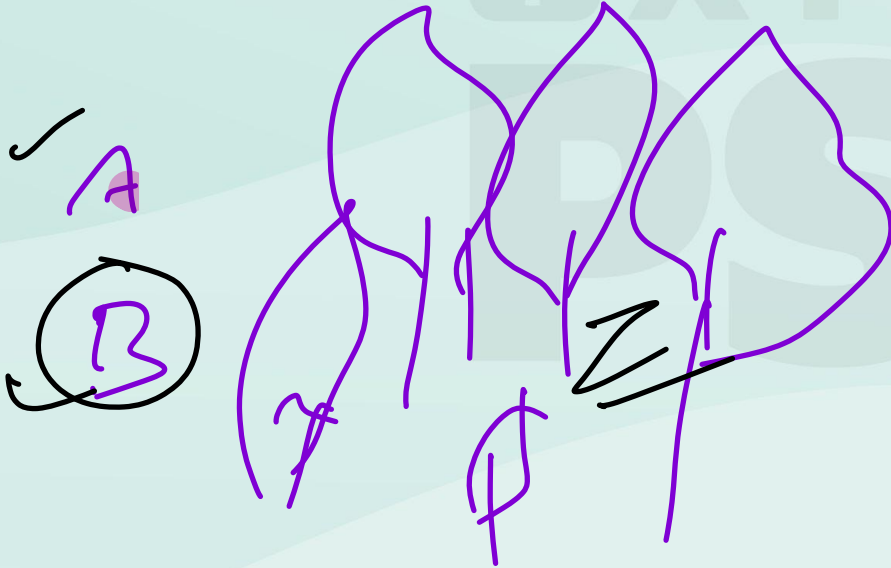
! With the knowledge that he is likely by such act cause death.

Illustrations.

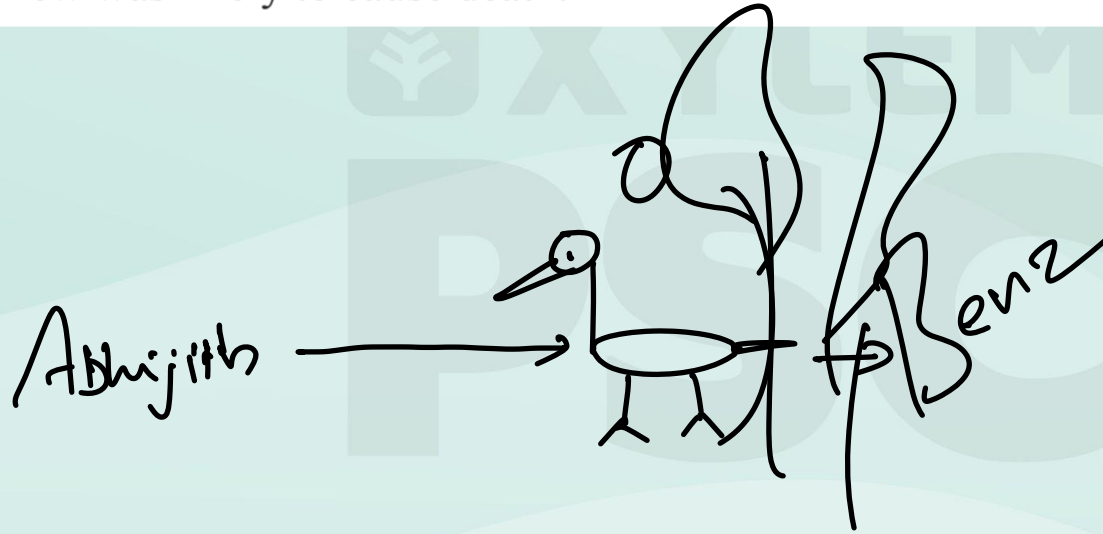
(a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.



(b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.



(c) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.



There was a quarrel between A and his brother in law B on the question whether his wife should accompany him by the night train the same day or by morning train the next day as desired by their in laws. During the quarrel A lost his temper and gave one blow with a knife on the chest of B which resulted in his death. Here A had committed Culpable Homicide not amounting to murder

A bhi jab \longleftrightarrow Benz

wife

A snake charmer exhibited in public a venomous snake, whose fangs he knew had not been extracted, and to show his own skill, but without any intention to cause harm to anyone, placed the snake on the head of one of the spectators. The spectator in trying to push off the snake was bitten and died in consequence. Held guilty for Culpable Homicide not amounting to murder.

Abwirth

Benz



A with an intention or knowledge , relates some exciting or agitating news to B who is in critical stage of a dangerous illness, B dies in consequence. A will be liable for Culpable homicide

Abuljaleel

B & A Z

A with the intention or knowledge, gives B his choice whether B will kill himself or suffer lingering torture, B kills himself by taking poison. A would be liable for culpable homicide

PSC

A hits B on his chest, who is a patient of tuberculosis of the lung and he dies as a consequence of the injury, which was otherwise ordinary.

Explanation 1.—A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

PSC

Explanation 2.—Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3.—The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

Culpable Homicide

(കുറ്റകരമായ നരഹത്യ)

Section 100

Culpable Homicide

- ഒരാൾ മറ്റൊരാളുടെ മരണത്തിന് കാരണമായ ഒരു പ്രവൃത്തി ചെയ്യുക വഴി അയാളുടെ മരണം സംഭവിക്കുന്നുവെങ്കിൽ അയാൾ കുറ്റകരമായി നരഹത്യ ചെയ്തതായി കണക്കാക്കുന്നു.

❖ അത്തരം പ്രവൃത്തി അയാൾ ചെയ്തിരിക്കുന്നത് -

- മരണം സംഭവിക്കണം എന്ന ഉദ്ദേശ്യത്തോടെ; അല്ലെങ്കിൽ
- മരണം സംഭവിക്കാൻ ഇടയാക്കുന്നതായ ഒരു ദേഹാപദ്രവം ഉണ്ടാക്കണം എന്ന ഉദ്ദേശ്യത്തോടെ ; അല്ലെങ്കിൽ
- ആ പ്രവൃത്തികൊണ്ട് മരണം സംഭവിക്കാൻ താൻ ഇടയാക്കും എന്നുള്ള അറിവോടുകൂടിയും ആയിരിക്കണം.

- മാതാവിന്റെ ഗർഭപാത്രത്തിലുള്ള ഒരു ശിശുവിന്റെ മരണം സംഭവിപ്പിക്കുന്നത് നരഹത്യ അല്ല. എന്നാൽ ജീവനുള്ള ഒരു ശിശുവിന്റെ മരണം സംഭവിപ്പിക്കുന്നത് ആ ശിശുവിന്റെ ഏതെങ്കിലും ഭാഗം പിറന്നിട്ടാണെങ്കിൽ, ആ ശിശു ശ്വാസോച്ഛാസം ചെയ്യുകയോ പൂർണ്ണമായി പിറക്കുകയോ ചെയ്തിട്ടില്ലെങ്കിലും കുറ്റകരമായ നരഹത്യയായിത്തീരാവുന്നതാണ്.

101. Except in the cases hereinafter excepted, culpable homicide is murder,—

(a) if the act by which the death is caused is done with the intention of causing death; or

(b) if the act by which the death is caused is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or

(c) if the act by which the death is caused is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or

(d) if the person committing the act by which the death is caused, knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.