

79. *UOI v Anand Singh Bisht*, AIR 1997 SC 361 [LNIND 1996 SC 1341] : (1996) 10 SCC 153 [LNIND 1996 SC 1341] : 1996 Cr LJ 4435 : (1996) 1 SCC (Cr) 1198.
80. Section 41 IPC, 1860.
81. Section 42 IPC, 1860.
82. *Bhalchandra Ranadive*, (1929) 31 Bom LR 1151 , 1178 : 54 Bom 35.
83. *Hussun Ali*, (1873) 5 NWP 49.
84. *Kuloda Prosad Majumdar*, (1906) 11 Cal WN 100; *Bhogilal*, (1931) 33 Bom LR 648 .
85. *Joti Prasad Gupta*, (1931) 53 All 642 , 649; *Suchit Raut v State*, (1929) 9 Pat 126.
86. *Maya Mathew v State of Kerala*, (2010) 4 SCC 498 [LNIND 2010 SC 190] : (2010) 3 SCR 16 [LNIND 2010 SC 190] : AIR 2010 SC 1932 [LNIND 2010 SC 190] : 2010 (2) Scale 833 [LNIND 2010 SC 190] .
87. *P Raghava Kurup v V Ananthakumari*, (2007) 9 SCC 179 [LNIND 2007 SC 215] : 2007 (2) SCR 1058 [LNIND 2007 SC 215] : (2007) 3 Scale 431 [LNIND 2007 SC 215] .
88. Section 2(a).
89. Section 2(b).
90. Section 2(c).
91. Section 22.
92. *Delhi Judicial Service, Association, Tis Hazari Court v State of Gujarat*, AIR 1991 SC 2176 [LNIND 1991 SC 446] : 1991 (4) SCC 406 [LNIND 1991 SC 446] .
93. *VG Ramachandran, Contempt of Court*, 6th Edn, p 319 quoted in *Re MV Jayarajan*, 2012 (1) Ker LT SN 23 : 2011 (4) KHC 585 .
94. *V G Peterson v O V Forbes*, AIR 1963 SC 692 [LNIND 1962 SC 298] : 1963 Supp (1) SCR 40 : 1963 (1) Cr LJ 633 .
95. *HG Rangangoud v State Trading Corp of India*, AIR 2012 SC 490 : 2012 (1) SCC 297 .
96. *Daroga Singh v BK Pandey*, AIR 2004 SC 2579 [LNIND 2004 SC 485] : (2004) 5 SCC 26 [LNIND 2004 SC 485] : 2004 Cr LJ 2084 .
97. [s 228] - **Intentional insult or interruption to public servant sitting in judicial proceeding.**—
Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
98. *Daroga Singh v BK Pandey*, AIR 2004 SC 2579 [LNIND 2004 SC 485] : (2004) 5 SCC 26 [LNIND 2004 SC 485] : 2004 Cr LJ 2084 .

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[s 6] Definitions in the Code to be understood subject to exceptions.

Throughout this Code every definition of an offence, every penal provision, and every illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled "General Exceptions", though those exceptions are not repeated in such definition, penal provision, or illustration.

ILLUSTRATION

- (a) The sections, in this Code, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences, but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.
- (b) A, a police-officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it".

COMMENT—

The "general exceptions" enacted by [Indian Penal Code, 1860 \(IPC, 1860\)](#) are of universal application and for the sake of brevity of expression, instead of repeating in every section that the definition is to be taken subject to the exceptions, the legislature by [section 6 IPC, 1860](#) enacted that all the definitions must be regarded as subject to the general exceptions. Therefore, general exceptions are part of the definition of every offence contained in [IPC, 1860](#), but the burden to prove their existence lies on the accused.^{1.}

Section 6 is a convenient formula to avoid reproduction of lengthy exceptions in the description of offences. In other words, all the offences must be read subject to Chapter IV relating to General Exceptions (sections. 76–106 [IPC, 1860](#)). So when an act falls within any one of these exceptions by virtue of section 6 of the Code, the accused has to be given benefit of the appropriate General Exception even though it is not specifically stated over again in the description of the offence committed.^{2.} [Section 6 of the Indian Penal Code](#) imposes an obligation on the court to consider the case of exceptions on its own so far as it relates to the burden of proving legal insanity under section 106 of the Act. If the case of the accused comes within the purview of [section 84 IPC, 1860](#), which is one of the provisions in Chapter IV of the General Exceptions of

the [Indian Penal Code](#), the court is to give due consideration and find out as to whether at the time of the occurrence the accused had any mental disability so as not to know what he was doing.^{3.}

The provisions of section 6 should be read as a proviso to [section 105 of the Evidence Act 1872](#).^{4.} When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the [Indian Penal Code \(XIV of 1860\)](#), or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.^{5.}

1. *Shankar Narayan Bhadolkar v State of Maharashtra*, [AIR 2004 SC 1966](#) [[LNIND 2004 SC 1370](#)] : ([2005](#)) 9 SCC 71 [[LNIND 2004 SC 1370](#)] .

2. *Abdul Latif v State of Assam*, [1981 Cr LJ 1205](#) (Gau); see also *Patras Mardi v State*, [1982 Cr LJ NOC 7](#) (Gau).

3. *Khageswar Pujari v State of Orissa*, [1984 Cr LJ 1108](#) (Orissa), see also *Smt. Sandhya Rani Bardhan v State*, [1977 Cr LJ NOC 245](#) (Gau). *Subodh Tewari v State of Assam*, 988 Cr LJ 223 (Assam).

4. *Khurajam Somat Singh v State*, [1997 Cr LJ 1461](#) (Gau).

5. [Section 105 Evidence Act](#).

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[s 7] Sense of expression once explained.

Every expression which is explained in any part of this Code is used in every part of this Code in conformity with the explanation.

COMMENT—

[Section 7 of IPC, 1860](#) provides that 'every expression' which is explained in any part of the Code, is used in every part of the Code in conformity with the explanation. Let it be noted that unlike the modern statute, section 7 does not provide 'unless the context otherwise indicate' a phrase that prefaces the dictionary clauses of a modern statute. Therefore, the expression 'Government' in section 21(12)(a) must mean either the Central Government or the Government of a State.^{6.}

6. *RS Nayak v AR Antulay*, (1984) 2 SCC 183 [LNIND 1984 SC 43] : AIR 1984 SC 684 [LNIND 1984 SC 43] .

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[s 8] Gender.

The pronoun "he" and its derivatives are used of any person, whether male or female.

COMMENT—

[Section 8 of the Indian Penal Code](#) lays down that the pronoun 'he' and its derivatives are used for any person whether male or female. Thus, in view of [section 8, IPC, 1860](#) read with section 2(y), [Code of Criminal Procedure, 1973](#) ([Cr PC, 1973](#)) the pronoun 'his' in clause (d) of [section 125\(1\), Cr PC, 1973](#) also indicates a female.⁷

⁷. *Vijaya (Dr.) v Kashirao Rajaram Sawai*, [1987 Cr LJ 977](#) : [AIR 1987 SC 1100](#) [[LNIND 1987 SC 200](#)] ; *M Areefa Beevi v Dr. K M Sahib*, [1983 Cr LJ 412](#) (Ker) : See also *Girdhar Gopal v State*, [1953 Cr LJ 964](#) (MB) ([Section 354 IPC, 1860](#)).

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[s 9] Number.

Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

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[s 10] "Man" "Woman".

The word "man" denotes a male human being of any age; the word "woman" denotes a female human being of any age.

COMMENT—

A female child of seven and a half months was held to be a "woman" for the purpose of [section 354 IPC, 1860](#).^{8.}

^{8.} *State of Punjab v Major Singh*, [AIR 1967 SC 63](#) [[LNIND 1966 SC 130](#)] : [1967 Cr LJ 1](#) .

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[s 11] "Person".

The word "person" includes any Company or Association or body of persons, whether incorporated or not.

COMMENT—

The term 'person' has been defined in [section 11, IPC, 1860](#), and the same is *in pari materia* with [section 3\(42\) of the General Clauses Act 1897](#). Obviously, the definition is inclusive.⁹ A natural person, an incorporated person or even an unincorporated association or body of persons like a partnership can be a person under [section 11 of IPC, 1860](#).¹⁰ The Supreme Court has held in *Standard Chartered Bank v Directorate of Enforcement*,¹¹ that, as regards corporate criminal liability, there is no doubt that a corporation or company could be prosecuted for any offence punishable under law, whether it is coming under the strict liability or under absolute liability. A juristic person has been held to come within the meaning of the word "person" for the purposes of section 415 (cheating).¹²

The State and its instrumentalities are juristic persons,¹³ but by implication, the State stands excluded from the purview of the word 'person' for the purpose of limiting its right to avail the revisional power of the High Court under [section 397\(1\) of Cr PC, 1973](#) for the reason that the State, being the prosecutor of the offender, is enjoined to conduct prosecution on behalf of the society and to take such remedial steps as to deems proper.¹⁴ Chief Educational Officer is an artificial person/ juristic person falling under [section 11 of IPC, 1860](#).¹⁵

[s 11.1] Accused person.—

Though the word "person" is defined in the [Indian Penal Code section 11](#) and the [General Clauses Act section 3\(42\)](#) which are identical and are not exhaustive but an inclusive one. The words "accused" or "accused person" or "accused of an offence" are not defined either in the [Indian Penal Code](#) or in the [Indian Evidence Act](#) or in the [General Clauses Act 1897](#).¹⁶

[s 11.2] Complainant.—

A complaint can be filed in the name of a juristic person because it is also a person in the eye of law. It is clear that complainant must be a corporeal person who is capable of making a physical presence in the court. Its corollary is that even if the complaint is

made in the name of incorporeal person (like a company or corporation) it is necessary that a natural person represents such juristic person in the court and it is that natural person who is looked upon, for all practical purposes, to be the complainant in the case. In other words, when the complainant is a body corporate it is the *de jure* complainant, and it must necessarily associate a human being as *de facto* complainant to represent the former in court proceedings.¹⁷ A company is a person in law and not in fact. A person in law is always required to be represented by a person in fact. A company can file a complaint for Defamation ([section 500 IPC, 1860](#)) through its authorised representative.¹⁸

9. *Chief Education Officer, Salem v K S Palanichamy*, [2012 Cr LJ 2543](#) (Mad).

10. *B Raman v M/S. Shasun Chemicals and Drugs Ltd*, [2006 Cr LJ 4552](#) (Mad); *Target Overseas Exports Pvt Ltd v A M Iqbal*, [2005 Cr LJ 1931](#) (Ker).

11. *Standard Chartered Bank v Directorate of Enforcement*, [AIR 2005 SC 2622](#) [[LNIND 2005 SC 476](#)] .

12. *Reji Michael v Vertex Securities Ltd*, [1999 Cr LJ 3787](#) (Ker).

13. *Common Cause, A Registered Society v UOI*, (1999) 6 SCC 667 [[LNIND 1999 SC 637](#)] : [AIR 1999 SC 2979](#) [[LNIND 1999 SC 637](#)] .

14. *Krishnan v Krishnaveni*, [AIR 1997 SC 987](#) [[LNIND 1997 SC 1883](#)] : 1997 Cr LJ 1519 : (1997) 4 SCC 241 [[LNIND 1997 SC 1883](#)] .

15. *Chief Education Officer, Salem v K S Palanichamy*, [2012 Cr LJ 2543](#) (Mad).

16. *Directorate of Enforcement v Deepak Mahajan*, [AIR 1994 SC 1775](#) [[LNIND 1993 SC 656](#)] : (1994) 3 SCC 440 : 1994 Cr LJ 2269 .

17. *Associated Cement Co Ltd v Keshvanand*, [AIR 1998 SC 596](#) [[LNIND 1997 SC 1634](#)] : (1998) 1 SCC 687 [[LNIND 1997 SC 1634](#)] : 1998 Cr LJ 856 .

18. *CM Ibrahim v Tata Sons Ltd*, [2009 Cr LJ 228](#) (Kar).

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[s 12] "Public."

The word "public" includes any class of the public, or any community.

COMMENT—

This definition is inclusive and does not define the word 'public'. It only says that any class of public or any community is included within the term 'public'. A body or class of persons living in a particular locality may come within the term 'public'.^{19.}

^{19.} *Harnandan Lal v Rampalak Mahto*, (1938) 18 Pat 76.