act neither foresaw nor intended, happens to prevent this. An attempt may be described to be an act done in part execution of a criminal design, amounting to more than mere preparation, but falling short of actual consummation, and, possessing, except for failure to consummate, all the elements of the substantive crime. In other words, an attempt consists in it the intent to commit a crime, falling short of, its actual commission or consummation/completion. It may consequently be defined as that which if not prevented would have resulted in the full consummation of the act attempted. The illustrations given in section 511 clearly show the legislative intention to make a difference between the cases of a mere preparation and an attempt.[5.]

In *Om Prakash's* case[6.] the Supreme Court has clearly held that like section 511, IPC, 1860 in section 307, IPC, 1860 to the act need not be the penultimate act.

[s 511.1] Essentials.—

In every crime, there is first intention to commit it; second, preparation to commit it; third, attempt to commit it. If the third stage, that is attempt is successful, then the crime is complete. If the attempt fails, the crime is not complete but the law punishes the person attempting the act. An 'attempt' is made punishable, because every attempt, although it fails of success, must create alarm, which, of itself, is an injury, and the moral guilt of the offender is the same as if he had succeeded.

A culprit first intends to commit the offence, then makes preparation for committing it and thereafter attempts to commit the offence. If the attempt succeeds, he has committed the offence, if it fails due to reasons beyond his control, he is said to have attempted to commit the offence. Attempt to commit an offence can be said to begin when the preparations are complete and the culprit commences to do something with the intention of committing the offence and which is a step towards the commission of the offence. The moment he commences to do an act with the necessary intention, he commences his attempt to commit the offence—the act need not be the penultimate act towards the commission of the offence but it must be an act during the course of committing that offence.[7.]

(1) Intention.—Intention is the direction of conduct towards the object chosen upon considering the motives which suggest the choice.[8.] The will is not to be taken for the deed, unless there be some external act which shows that progress has been made in the direction of it, or towards maturing and affecting it. In an attempt to commit an offence, there must be intention to commit the crime combined with doing of some act adopted to, but falling short of its actual commission.[9.]

(2) Preparation.—Preparation consists in devising or arranging the means or measures necessary for the commission of an offence.[10.]

[s 511.2] Removal of rice bags from *godown* in order to sell them.—

A Government stockist removed 80 bags of rice from a *godown* in his charge and concealed them in a room with a view to sell them and appropriate the sale proceeds. It was held that the act of the stockist amounted only to preparation and therefore, he was not guilty of any offence.[11.]

[s 511.3] Running towards well for committing suicide.—

A woman ran to a well stating she would jump into it, and she was caught before she could reach it. It was held that she could not be convicted of an attempt to commit suicide as she might have changed her mind before jumping into the well.[12.]

(3) Attempt.—Attempt is the direct movement towards the commission after the preparations are made.[13.] In *State of Maharashtra v Mohd. Yakub*,[14.] reported in the Apex Court considered the definition of 'attempt to commit crime' as the last proximate act which a person does towards the commission of an offence, the consummation of the offence being hindered by circumstances beyond his control. It was observed by the Apex Court that what constitutes an "attempt" is a mixed question of law and fact, depending largely on the circumstances of the particular case. "Attempt" defies a precise and exact definition. Broadly speaking, all crimes which consist of the commission of affirmative acts are preceded by some covert or overt conduct which may be divided into three stages. The first stage exists when the culprit first entertains the idea or intention to commit an offence. In the second stage, he makes preparations to commit it. The third stage is reached when the culprit takes deliberate overt steps to commit the offence. Such overt act or step in order to be 'criminal' need not be the penultimate act towards the commission of the offence. It is sufficient if such act or acts were deliberately done, and manifest a clear intention to commit the offence aimed, being reasonably proximate to the consummation of the offence.

The test for determining whether the acts constitute attempt or preparation is whether the overt acts already done are such that if the offender changes his mind and does not proceed further in its progress, the acts already done would be completely harmless. But where the thing done is such as, if not prevented by any extraneous cause, would fructify into commission of an offence, it would amount to an attempt to commit that offence.[15.] An attempt to commit an offence does not cease to be an attempt merely because after the attempt is made and before the actual completion of the offence the offender may be able to prevent its completion by doing some other act in pursuance of a changed intention.[16.]

An accused is liable for attempt where his failure to commit an offence is not due to any act or omission of his own, but to the intervention of some factor independent of his own volition.[17.] Where misrepresentations had been made and money obtained from the persons sought to be cheated by misrepresentations, there is an attempt to cheat and not merely a preparation for committing that offence.[18.]

[s 511.4] Distinction between 'preparation' and 'attempt'.—

There is a distinction between 'preparation' and 'attempt'. Attempt begins where preparation ends. A person commits the offence of attempt to commit a particular offence when accused (i) intends to commit a particular offence, (ii) he having made preparation and with the intention to commit an offence, (iii) does an act towards its commission, such an act need not be the penultimate act towards the commission of that offence but must be an act during the course of committing that offence.[19.]

1. 'Offence punishable by this Code'.—No criminal liability can be incurred under the Code by an attempt to do an act, which if done will not be an offence against the Code.[20.]

The expression "whoever attempts to commit an offence" in this section can only mean "whoever intends to do a certain act with the intent or knowledge necessary for the commission of that offence".[21.]

[s 511.5] Impossible offence.—

An attempt is possible, even when the offence attempted cannot be committed; as when a person, intending to pick another person's pocket, thrusts his hand into the pocket, but finds it empty. That such an act would amount to a criminal attempt appears from the illustrations to this section. But in doing such an act, the offender's intention is to commit a complete offence, and his act only falls short of the offence by reason of an accidental circumstance which has prevented the completion of the offence. It is possible to attempt to commit an impossible theft and so offend against the Code because theft is itself an offence against the Code, and may therefore, be attempted within the meaning of the Code. At the same time it is necessary to show that the means adopted are apparently suitable for the fulfilment of the design.[22.] Thus where a man threatens the life of another with a child's pop gun using a cork as a projectile[23.] or tries to pick the pocket of a man who is well beyond the reach of his hand, no attempt either to commit murder or to steal can be said to have been committed as the means adopted are impossible of achieving the designed purpose. Similar would be the case in regard to absolutely impossible acts. Thus where the act is such that it is incapable of commission, e.g., trying to steal from an empty room or an empty pocket or trying to kill a person by shooting at a bulge in a bed thinking it to be the enemy, no criminal attempt can be said to have been committed.[24.] In the IPC, 1860, however, trying to steal from an empty pocket would still constitute an attempt as Illustration (b) to section 511, IPC, 1860 specifically says so. Though in England too this happened to be the law previously[25.] the position has materially changed after the decision of the House of Lords in *Haughtons* case.[26.] It is felt that the law in India should be changed on this score at least to bring about a uniformity of approach to this question of attempt so far sections 307 and 511, IPC, 1860 are concerned especially, after the decision of the Supreme Court in the case of *Om Prakash's* case,[27.] has held that under both these sections the act need not be the last proximate act.

[s 511.6] Attempt to cheat.—

The accused applied to the Patna University for permission to appear at the MA Examination in English as a private candidate representing that he was a graduate having obtained his BA degree three years earlier and that he had been teaching in a certain school. In support of his application, he attached certain certificates purporting to be from the Headmaster of the School and the Inspector of Schools. The University authorities gave the accused permission to appear at the examination. Later on, finding that the certificates were false and that the accused was not a graduate and was not a teacher, the University authorities withdrew the permission. The Supreme Court held that the accused was guilty of attempting to cheat and that the moment the accused dispatched his application to the University, he entered the realm of attempting to commit the offence of cheating.[28.] Where the accused made an alteration in his own affidavit under the honest belief that it was necessary for customs' clearance, the Supreme Court set aside the conviction under section 420 read with this section.[29.]

The offence of attempting to cheat may be committed even though the person attempted to be cheated does not believe in the representations made to him and is not misled by them but only feigns belief in order to trap the offender.[30.]

[s 511.7] Outraging Modesty of a Woman and attempt to Rape (sections 354 and 511 read with section 376).—

In between complete rape and attempt to commit rape there is a rare area covered by section 354 of IPC, 1860, i.e., assault or criminal force to woman with intent to outrage her modesty or indecent assault. The dividing line between attempt to commit rape and indecent assault is not only thin but also is practically invisible. For an offence of attempt to commit rape, prosecution is required to establish that the act of the accused went beyond the stage of preparation. In a given case, where the prosecutrix was made naked and her cries attracted her uncle who came to the spot and then the accused fled away, it was held that it was not a case of attempt to commit rape but was one under section 354 of IPC, 1860.[31.]

[s 511.8] 'Attempt could be a minor offence'.—

It is true that there was no charge under section 376 read with section 511, IPC, 1860. However, under section 222 of the Code of Criminal Procedure, 1973 (Cr PC, 1973) when a person is charged for an offence he may be convicted of an attempt to commit such offence although the attempt is not separately charged.[32.]

2. 'Where no express provision is made by this Code'.—The section does not apply to cases of attempts made punishable by some specific sections of the Code. The attempts specifically provided for are:—

Section 121, attempt to wage war against the Government of India. Section 124, attempt wrongfully to restrain the President and other high officials with intent to induce or compel them to exercise or refrain from exercising any of their lawful powers. Section 125, attempt to wage war against the Government of any Asiatic Power in alliance or at peace with the Government of India. Section 130, attempt to rescue State prisoners or prisoners of war. Section 196, attempt to use as the evidence known to be false. Sections 198, 200, attempt to use as true a certificate or declaration known to be false in a material point. Section 213, attempt to obtain a gratification to screen an offender from punishment. Sections 239 and 240, attempt to induce a person to receive a counterfeit coin. Section 241, attempt to induce a person to receive as genuine counterfeit coin which, when the offender took it, he did not know to be counterfeit. Sections 307 and 308, attempts to commit murder and culpable homicide. Section 309, attempt to commit suicide. Sections 385, 387 and 389, attempt to put a person in fear of injury or accusation in order to commit extortion. Section 391, conjoint attempt of five or more persons to commit dacoity. Sections 393, 394 and 398, attempts to commit robbery. Section 460, attempt by one of many joint house-breakers by night to cause death or grievous hurt.

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1. Subs. by Act 26 of 1955, section 117 and Sch, for transportation for life (w.e.f. 1 January 1956).
2. Subs. by Act 26 of 1955, section 117 and Sch, for certain words (w.e.f. 1 January 1956).
3. *Pawan Kumar v State of Haryana*, 2010 Cr LJ 2077 (P&H).
4. *I K Narayana v State of Karnataka*, 2013 Cr LJ 874 (Kant).
5. *Koppula Venkat Rao v State of AP*, AIR 2004 SC 1874 [LNIND 2004 SC 301] : 2004 Cr LJ 1804 (SC).

6. *Om Prakash*, 1961 (2) Cr LJ 848 (SC).
7. *Abhayanand*, AIR 1961 SC 1698 [LNIND 1961 SC 202] ; *Om Prakash*, 1961 (2) Cr LJ 848 (SC).
8. James Fitzjames Stephen, *General View of the Criminal Law of England*, 2nd Edn, p 69; *Koppula Venkat Rao v State of AP*, AIR 2004 SC 1874 [LNIND 2004 SC 301] : 2004 Cr LJ 1804 : (2004) 3 sCC 602, the Supreme Court explained why attempt has been characterized as crime.
9. *Damodar Behera v State of Orissa*, 1996 Cr LJ 344 (Ori).
10. Quoted with approval from Mayne's Criminal Law in *Peterson's* case, (1876) 1 All 316 , 317 and in *Padala Venkatasami*, (1881) 3 Mad 4, 5; *Ashaq Hussain*, (1948) Pak LR 155.
11. *Bhagwat v State*, (1948) 28 Pat 92.
12. *Ramakka*, (1884) 8 Mad 5.
13. Quoted with approval from Mayne's Criminal Law in *Peterson*, (1876) 1 All 316 , and in *Padala Venkatasami*, (1881) 3 Mad 4.
14. *State of Maharashtra v Mohd. Yakub*, AIR 1980 SC 1111 [LNIND 1980 SC 99] : (1980) 3 SCC 57 [LNIND 1980 SC 99] .
15. *Tustipada Mandal*, (1950) Cut 75.
16. *Haricharan v State*, AIR 1950 Ori 114 [LNIND 1949 ORI 25] (SB).
17. *Mangeram v Lal Chhatramohansingh*, (1950) Nag 908.
18. *Bashirbhai*, (1960) 3 SCR 554 [LNIND 1960 SC 126] : 62 Bom LR 908.
19. *State of Maharashtra v Mohd. Yakub*, AIR 1980 SC 1111 [LNIND 1980 SC 99] : (1980) 3 SCC 57 [LNIND 1980 SC 99] .
20. *Mangesh Jivaji*, (1887) 11 Bom 376, 381; *Ram Charit Ram Bhakat v Chairman, Rajshahi District Board*, (1938) 1 Cal 420 .
21. *Om Prakash*, AIR 1962 SC 1782 .
22. *Mohinder Singh*, 1960 Cr LJ 393 (Punj).
23. *Ibid.*
24. *Haughton v Smith*, (1975) AC 476 Per House of Lords : (1973) 3 All ER 1109 : (1974) 2 WLR 607 ; see also *Neilson* (1978) RTR 232 .
25. *Ring*, (1892) 61 LJ MC 116.
26. *Haughton, supra*.
27. *Om Prakash*, 1961 (2) Cr LJ 848 (SC).
28. *Abhayanand*, AIR 1961 SC 1698 [LNIND 1961 SC 202] ; see also *Sudhir Kumar*, 1973 Cr LJ 1798 (SC); *State of Maharashtra v Mohd. Yakub*, 1980 Cr LJ 793 (SC).
29. *Kapoor Chand Maganlal Chanderia v State (Delhi Admn)*, 1985 SCC (Cr) 441 : (1985) Supp SCC 268 .
30. *Bashirbhai*, 62 Bom LR 908 : (1960) 3 SCR 554 [LNIND 1960 SC 126] .
31. *Tukaram Govind Yadav v State of Maharashtra*, 2011 Cr LJ 1501 (Bom); *State of MP v Babulal*, AIR 1960 MP 155 [LNIND 1959 MP 49] ; *Rajesh Vishwakarma v State of Jharkhand*, 2011 Cr LJ 2753 (Jha); *Pawan Kumar v State of Haryana*, 2010 Cr LJ 2077 (P&H).
32. *Pandharinath v State of Maharashtra*, (2009) 14 SCC 537 [LNIND 2009 SC 1378] .

THE INDIAN PENAL CODE

SUMMARY

THE draft of the Indian Penal Code was prepared by the First Indian Law Commission when Macaulay was the President of that body. Its basis is the law of England freed from superfluities, technicalities and local peculiarities. Suggestions were also derived from the French Penal Code and from Livingstone's Code of Louisiana. The draft underwent a very careful revision at the hands of Sir Barnes Peacock, Chief Justice, and puisne Judges of the Calcutta Supreme Court who were members of the Legislative Council, and was passed into law in 1860. Though it is principally the work of a man who had hardly held a brief, and whose time was devoted to politics and literature, yet it is universally acknowledged to be a monument of codification and an everlasting memorial to the high juristic attainments of its distinguished author.

Objects of penal legislation.

The legitimate objects of penal legislation are the selection of those violations of right which are sufficiently dangerous to the good order of society to justify and require the infliction of punishment to repress them, and the adaptation of the degree of punishment to the purpose of repressing such violations.

Crime.

A crime is an act of commission or omission, contrary to municipal law, tending to the prejudice of the community, for which punishment can be inflicted as the result of judicial proceedings taken in the name of the State. It tends directly to the prejudice of the community, while a civil injury tends more directly and immediately to the prejudice of a private right. The true test between a crime and a civil injury is that the latter is compensated by damages, while the former is punished. The State is supposed to be injured by any wrong to the community and is, therefore, the proper prosecutor. Many crimes include a tort or civil injury; but every tort does not amount to a crime, nor does every crime include a tort. Conspiracy, conversion, private nuisance, wrongful distress, etc., are merely torts. Assault, false imprisonment, false charge, defamation, etc., are all crimes as well as torts. Forgery, perjury, bigamy, homicide, etc., are crimes but not torts.

The great difference between the legal and the popular meanings of the word crime is that whereas the only perfectly definite meaning which a lawyer can attach to the word is that of an act or omission punishable by law, the popular or moral conception adds to this the notion of moral guilt of a specially deep and degrading kind. By a criminal, people in general understand a person who is liable to be punished, because he has done something at once wicked and obviously injurious in a high degree to the common interest of society. Criminal law is, however, confined within very narrow limits and can be applied only to definite overt acts or omissions capable of being distinctly proved, which acts or omissions inflict definite evils, either on specific persons or on the community at large.[1.]

By criminal law is now understood the law as to the definition, trial and punishment of crimes, i.e., of acts or omissions forbidden by law which affect injuriously public rights, or constitute a breach of duties due to the whole community. Criminal law includes the

rules as to the prevention, investigation, prosecution and punishment of crimes. It lays down what constitutes an offence, what proof is necessary to prove it, what procedure should be followed in a court, and what punishment should be imposed.

In criminal law the general principle is that there must be some guilty condition of mind in every offence. This is designated by the expression *mens rea*. It is however in the power of the Legislature to enact that a man may be convicted of an offence although there was no guilty mind. Where a statute requires a mental state to be proved as an essential element of a crime, the burden is on the prosecution to prove it. The absence of *mens rea* really consists in an honest and reasonable belief entertained by the accused of the existence of facts, which, if true, would make the act charged against him innocent.

The authors of the Code observe:—"We cannot admit that a Penal Code is by any means to be considered as a body of ethics, that the Legislature ought to punish acts merely because those acts are immoral, or that, because an act is not punished at all, it follows that the Legislature considers that act as innocent. Many things which are not punishable are morally worse than many things which are punishable. The man who treats a generous benefactor with gross ingratitude and insolence deserves more severe reprehension than the man who aims a blow in a passion, or breaks a window in a frolic; yet we have punishments for assault and mischief, and none for ingratitude. The rich man who refuses a mouthful of rice to save a fellow-creature from death may be a far worse man than the starving wretch who snatches and devours the rice; yet we punish the latter for theft, and we do not punish the former for hard-heartedness."[2.]

Criminal law forms generally a part of the public law not variable in any one of its parts by the volition of private individuals and it is not necessarily deprived of its effect merely by the possible culpability of the individuals who may be the sufferers by the breach. The maxim *ex turpicausa non orituractio* is not a sufficient excuse for a man who acts in opposition to the provisions of a penal statute. If a man, for instance, gives a spurious sovereign to a person for losing a bet, and the latter sues the former, he cannot succeed for a breach of contract.

Presumption of innocence.

In criminal cases the presumption of law is that the accused is innocent. The burden of proving every fact essential to bring the charge home to the accused lies on the prosecution. The evidence must be such as to exclude every reasonable doubt of the guilt of the accused. The evidence of guilt must not be a mere balance of probabilities, but must satisfy the Court beyond all shadow of reasonable doubt that the accused is guilty. In matters of doubt it is safer to acquit than to condemn, since it is better that several guilty persons should escape than one innocent person suffer. Unbiased moral conviction is no sufficient foundation for a verdict of guilty, unless it is based on substantial facts leading to no other reasonable conclusion than that of guilt of the accused. No man can be convicted of an offence where the theory of his guilt is no more likely than the theory of his innocence.

Under section 105 of the Indian Evidence Act, 1872, it is incumbent on the accused to prove the existence of circumstances (if any) which bring the offence charged within any exception or proviso contained in the Indian Penal Code, 1860 (IPC, 1860), and the court shall presume the absence of such circumstances. But if it is apparent from the evidence on record whether produced by the prosecution or defence, that a general exception would apply, then the presumption is removed and it is duty of the court to consider whether the evidence proves to the satisfaction of the court that the accused comes within the exception.

Limitation.

Previously there was no limitation to prosecute a person for an offence as *"Nullum tempus occuritregi*" (lapse of time does not bar the right of the Crown) was the rule. And as a criminal trial was regarded as an action by the government, it could be brought at any time. It would be odious and fatal, says Bentham, to allow wickedness, after a certain time, to triumph over innocence. No treaty should be made with malefactors of that character. Let the avenging sword remain always hanging over their heads. The sight of a criminal in peaceful enjoyment of the fruit of his crimes, protected by the laws he has violated, is a consolation to evil-doers, an object of grief to men of virtue, a public insult to justice and to morals. The Roman law, however, laid down a prescription of 20 years for criminal offences as a rule. There is no period of limitation for offences which fall within the four corners of IPC.

An entire Chapter captioned "Limitation For Taking Cognizance of Certain Offences" (Chapter XXXVI) has been added to the Criminal Procedure Code, 1973 (Cr PC, 1973) to prevent taking of cognizance after certain periods in offences not punishable with imprisonment for a term exceeding three years. Thus, section 468 of Cr PC, 1973 lays down:

(1) Except as otherwise provided elsewhere in this Code no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be—

  (a) six months, if the offence is punishable with fine only;

  (b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

  (c) Three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

(3) ********

A Constitution Bench of the Supreme Court in Mrs. *Sarah Mathew v The Institute of Cardio Vascular Diseases*,[3.] held that the period of Limitation starts from the date of Complaint, not from date of Cognizance.

As opposed to the Benthamian concept of no limitation to criminal prosecutions, the modern concept is that the accused shall not be kept under a perpetual threat for any length of time and right to have a speedy trial should be regarded as one of his basic human rights. In keeping with this spirit the new Criminal Procedure Code has further made provisions in sub-section (5) of section 167, Cr PC, 1973, for the stoppage of investigation in Summons Cases, if the investigation is not concluded within six months from the date on which the accused was arrested.

Master's liability for servant's act.

The master is liable for the tortious acts of his servants done in the course of his employment and for the master's benefit, but in criminal law he who does the act is liable except where a person who is not the doer, abets or authorizes the act. There are, however, certain exceptions to this principle.

1. *Statutory liability.*—A statute may impose criminal liability upon the master as regards the acts or omission of his servants. Licence cases form a class by themselves in

which the master is generally held responsible.

2. *Public nuisance.*—The owner of works carried on for his profit by his agents is liable to be indicted for a public nuisance caused by acts of his agents in carrying on the works.

3. *Neglect of duty.*—If a person neglects the performance of an act which is likely to cause danger to others, and entrusts it to unskilful hands he will in certain cases be criminally liable.

1. Vicarious liability.—Indian Penal Code, 1860, save and except some matters does not contemplate any vicarious liability on the part a person. (Exceptions to this rule include section 34, 149, etc.)

2. Corporate Criminal Liability.—A company is liable to be prosecuted and punished for criminal offences. Although there are earlier authorities to the fact that the corporation cannot commit a crime, the generally accepted modern rule is that a corporation may be subject to indictment and other criminal process although the criminal act may be committed through its agent. The majority in the Constitution bench held that there is no immunity to the companies from prosecution merely because the prosecution is in respect of offences for which the punishment is mandatory imprisonment and fine. The corporations can no longer claim immunity from criminal prosecution on the ground that they are incapable of possessing the necessary *mens rea* for the commission of criminal offences.[4.]

Scheme.

The following tabular statement gives an outline of the scheme of IPC, 1860.—

General Provisions

1. Territorial operation of the Code (c. I).
2. General Explanations (c. II).
3. Punishments (c. III).
4. General Exceptions (c. IV).
5. Abetment (c. V).
6. Conspiracy (c. VA).
7. Attempts (c. XXIII).

Specific Offences

1. Affecting the State	..	State (c. VI). Army, Navy and Air Force (c. VIII). Public tranquillity (c. VIII). Public servants conduct of (c. IX). Contempt of authority of (c. X). Public Justice (c. XI).

		Public health, safety, decency, and morals (c. XIV).
2. Affecting the common wealth	..	Elections (c. IXA). Coin and Government Stamps (c. XII). Weights and Measures (c. XIII). Religion (c. XV). Contract of Service (c. XIX). Marriage (c. XX).
3. Affecting the human body	..	Homicide, murder, abetment of suicide, causing miscarriage, injuries to unborn children, exposure of infants, hurt (simple and grievous), wrongful restraint and confinement, criminal force, assault, kidnapping, abduction, slavery, selling or buying minor for prostitution, unlawful labour, rape, unnatural offence (c. XVI).
4. Affecting corporeal or incorporeal		Theft, extortion, robbery, dacoity, criminal misappropriation, criminal breach of trust, receiving stolen property, cheating, fraudulent deeds and dispositions of mischief, criminal trespass (c. XVII), documents (forgery), property property marks, currency and bank notes (c. XVIII).
5. Affecting reputation		Defamation (c. XXI). Intimidation, insult and annoyance (c. XXII).

Date and extent of operation. Chapter 1.

The IPC, 1860, came into operation on 1 January 1862. It takes effect throughout India except the State of Jammu and Kashmir. For every act or omission contrary to the provisions of the Code a person is liable to punishment under it (sections 1 and 2). Every person is made liable to punishment under the Code without distinction of nation or rank. A foreigner, who enters the Indian territories and accepts the protection of Indian laws, virtually submits himself to their operation. The Penal Code does not exempt anyone from the jurisdiction of criminal Courts, but the following are exceptions to this principle:—

(1) The Sovereign.

(2) Foreign Sovereigns.