

The extended right of private defence to the extent of causing death of the assailant arises only if the offence which occasions the exercise of the right is of one of the kinds mentioned in this section.⁴⁵⁶ Following some earlier rulings, the Supreme Court has re-emphasised that the mere fact of the accused sustaining some injuries in the course of the same transaction does not make it out conclusively that the accused had the occasion to cause death in private defence.⁴⁵⁷ Where the attacking party chanced to get at the wife of the accused and the latter pounced upon them with a weapon attacking one of them which was warded off, another came forward and the accused successfully struck him and he died, the accused was held to be within his rights.⁴⁵⁸ As against this where two were fighting with *lathis* and the brother of one of them, who was outside the danger, struck a *lathi* blow to the other killing him, he was held to be guilty under section 304-I.⁴⁵⁹ In a communal tension, both sides pelted stones. The accused fired a gun shot causing death of a person of the other group though no one had sustained any injury as a result of pelting of stones by the other group. It was held that the accused had no occasion to act under the right of private defence.⁴⁶⁰

In order to justify the act of causing death of assailant, the accused has simply to satisfy the Court that there was reasonable apprehension of death or grievous hurt. Question whether the apprehension was reasonable or not is a question of fact depending upon the facts and circumstances of each case and no straitjacket formula can be prescribed in this regard. Weapon used, the manner and nature of assault and other surrounding circumstances should be taken into account while evaluating whether the apprehension was justified or not. In the instant case, accused G was assaulted on head by a sharp-edged weapon which caused a bone-deep injury. As per the defence version there were four assailants who had come well prepared at the door of accused's house to commit assault. Reasonable apprehension of death or at least of grievous hurt, therefore, could not be ruled out. In such a situation, if single gunshot was fired it could not be said that the accused persons had exceeded their right of private defence in any manner.⁴⁶¹

[s 100.1] 'Abducting'.—

On a plain reading of clause fifth of this section, there does not seem to be any reason for holding that the word 'abducting' used in the clause means anything more than what is defined as "abduction" in section 362. All that the clause requires is that there should be an assault which is an offence against the human body and that assault should be with the intention of abducting, and whenever these elements are present the clause will be applicable.⁴⁶² Thus, a woman could not be taken away by force even by her own husband from a paramour's house and if in these circumstances the paramour and his brother killed the husband to prevent her abduction by the husband, they would be protected by sub-clause (5) of [section 100 of the Penal Code](#).⁴⁶³ Here law seems to be contrary to our social conscience, but this interpretation is perfectly in accord with the language of [section 100, IPC, 1860](#), and the decision of the Supreme Court in *Viswanath's case*⁴⁶⁴ where too the husband was put to death by a clean stab by his brother-in-law as he was trying to take away his wife by force from his father-in-law's house and in the process had merely dragged his unwilling wife to some distance.

[s 100.2] Rescuing woman-folk from attack on modesty.—

The accused heard the cries for help of his widowed sister-in-law. He ran to her house with *gandasa*. He found the attacker grappling with her and trying to outrage her modesty. The accused saved her from his clutches and inflicted a *gandasa* blow while he was going to run away. The act of the accused was held to have been done in the exercise of the right of private defence. The accused was acquitted.⁴⁶⁵

[s 100.3] CASES.—Exceeding the right.—

The accused was being chased. He assaulted the chaser. The latter died. The injuries found on the person of the deceased were more grievous than those on the body of the accused. It was held that the accused exceeded his right of private defence his conviction was altered from under section 300 to one under section 304, Part I.⁴⁶⁶ Whenever accused-party sustains injuries in the same occurrence and when the injuries are grievous in nature it is incumbent upon the prosecution to explain the injuries on the person of the accused.⁴⁶⁷ Where the accused might have acted on self-defence in the beginning, but once the deceased was. The prosecution party consisted of four members. They carried blunt weapons. They assembled in front of the house of the accused. They came as aggressors. The accused suffered a bone deep injury on his head. The accused fired a single gunshot which caused death of one of the members on the prosecution side. The Court held that the right of private defence was not exceeded. The accused was given the benefit of doubt.⁴⁶⁸

Where the victim was throwing broken bricks at the accused who received simple injuries and the accused fired at him with his gun, it was held that he exceeded the right of private defence. There was no justification for using the gun in such as to cause death. Conviction under section 304 Part I was restored.⁴⁶⁹ The right of private defence was not allowed to be claimed merely on the ground that there was a quarrel and the accused sustained injuries in the course of it.⁴⁷⁰

[s 100.4] No danger.—

Two friends were sitting together and consuming liquor. They quarrelled and exchanged blows. One of them inflicted two knife wounds on vital parts of the body of the other. The victim had posed no danger to the attacker, nor did he have any weapons with him. The plea of self-defence was held to be not available. The accused was convicted for murder.⁴⁷¹ The deceased came to his land and asked the accused party to get the land measured and also tried to dislodge a pole fixed by them. There was no imminent danger to person or property from any act of the deceased. No injuries caused to anybody. It was held that there was no right of self-defence in the exercise of which the deceased could have been killed.⁴⁷²

[s 100.5] Private defence.—

The accused was without any arms when the quarrel started. His action of picking up a stick lying on the ground and hitting the deceased on his head with it showed that he was trying to save himself from the attack by the deceased and his son. The accused was acquitted because the circumstances made it obvious that he was acting in self-defence.⁴⁷³

[s 100.6] Burden of proof.—

The right of private defence is a plea which is available to the accused by the burden of proving the same is on him.⁴⁷⁴ Proof by preponderance of probabilities is sufficient.⁴⁷⁵ The burden of proving the right of private defence is not as onerous as that of the prosecution to prove its case. Preponderance of probabilities in favour of the defence is enough to discharge the burden.⁴⁷⁶ While the prosecution is required to

prove its case beyond reasonable doubt, the accused need not establish his plea of self-defence to the hilt and may discharge onus by showing preponderance of probabilities in favour of that plea on basis of material on record, injuries received by an accused, imminence of threat to his safety, injuries caused by accused and circumstances whether accused had time to have recourse to public authorities were held to relevant factors. But number of injuries is not always considered to be a safe criterion for determining who the aggressor was. Whenever injuries are on the body of the accused person, presumption need not necessarily be raised that accused person had caused injuries in his defence. Defence has to further to show that injuries so caused on accused probabilise version of private defence. Non-explanation of injuries sustained by the accused at about the time of occurrence or in course of the altercation is a very important circumstance but mere non-explanation may not affect prosecution case in all cases.⁴⁷⁷.

The burden stands discharged by showing preponderance of probabilities in favour of the plea of the accused either by himself adducing positive evidence or by referring to circumstances transpiring from prosecution evidence itself. Proof beyond reasonable doubt is not required. The Court can consider the plea even if not taken by the accused if the material on record makes it available for consideration.⁴⁷⁸.

[s 100.7] Acid Attack (Clause 7).—

The right of private defence of the body extends, under the restrictions mentioned in section 99, to the voluntary causing of death or of any other harm to the assailant if the offence which occasions the exercise of the right against an act of throwing or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act. This new category of offence (acid attacks) to which a right to private defence is inserted by the [Criminal Law \(Amendment\) Act, 2013](#)⁴⁷⁹. on the recommendation of Justice Verma Committee.

1. *Shankar Narayan Bhadolkar v State of Maharashtra*, [AIR 2004 SC 1966](#) [[LNIND 2004 SC 1370](#)] : [2004 Cr LJ 1778](#) : (2005) 9 SCC 71 [[LNIND 2004 SC 1370](#)] .
2. The [Indian Evidence Act](#), I of 1872, section 105.
3. *Musammatt Anandi*, (1923) 45 All 329 ; *Babulal*, 1960 Cr LJ 437 (All).
4. *A K Chaudhary v State of Gujarat*, 2006 Cr LJ 726 (Guj).
5. *A K Chaudhary v State of Gujarat*, 2006 Cr LJ 726 (Guj).
449. Ins. by Act 13 of 2013, section 2 (w.r.e.f. 3-2-2013).
450. *Scaria v State of Kerala*, [AIR 1995 SC 2342](#) : [1995 Cr LJ 3990](#) .
451. *Wassan Singh v State of Punjab*, 1996 Cr LJ 878 : (1996) 1 SCC 458 [[LNIND 1995 SC 1195](#)] ; *Ghurey Lal v State of UP*, (2008) 10 SCC 450 [[LNIND 2008 SC 1535](#)] ; *Dattu Shamrao Valake v State of Maharashtra*, 2005 Cr LJ 2555 : [AIR 2005 SC 2331](#) [[LNIND 2005 SC 383](#)] : (2005) 11 SCC 261 [[LNIND 2005 SC 383](#)] .
452. *Shive Chand v State of UP*, 1995 Cr LJ 3869 (All).

453. *Raja Ram*, 1977 Cr LJ NOC 85 (All); See also *Abdul Kadir v State of Assam*, 1985 Cr LJ 1898 : AIR 1986 SC 305 : 1985 Supp SCC 603 .
454. *Vishvas v State*, 1978 Cr LJ 484 : AIR 1978 SC 414 [LNIND 1978 SC 17] . Where there is no right of private defence, e.g. causing death of a person in order to prevent him from exercising lawful rights on lawfully held land, it would be punishable as murder, *Asha Ram v State of Rajasthan*, (1994) 2 Cr LJ 2431 (Raj).
455. *Vishnu Narayan Moger v State of Karnataka*, 1996 Cr LJ 1121 (Kant). Right of self-defence not available where the accused came prepared for fight and attack on unarmed victim, *Baj Singh v State of Punjab*, AIR 1995 SC 1953 : 1995 Cr LJ 3605 .
456. *Ram Saiya*, (1948) All 165 . See also *Kishore Shambudatta Mishra v State of Maharashtra*, AIR 1989 SC 1173 : 1989 Cr LJ 1149 : 1989 Supp (1) SCC 399 , discussed under the preceding section. Also *Raza Pasha v State of Maharashtra*, AIR 1984 SC 1793 [LNIND 1984 SC 255] : (1984) 4 SCC 441 [LNIND 1984 SC 255] : 1984 SCC (Cr) 605, the person shot at from house top and killed was outside the house at that time, held that there was no occasion for private defence, conviction under section 302. *Wassan Singh v State of Punjab*, (1996) 1 SCC 458 [LNIND 1995 SC 1195] : 1996 Cr LJ 878 , the accused surrounded by a number of assailants who were all inflicting injuries on him, he shot at them hitting an innocent person who died, right of private defence not lost thereby.
457. *Paras Nath Singh v State of Bihar and Hare Krishna Singh v State of Bihar*, 1988 Cr LJ 925 : AIR 1988 SC 863 [LNIND 1988 SC 139] : (1988) 2 SCC 95 [LNIND 1988 SC 139] , relying on *Onkar Nath Singh v State of UP*, AIR 1974 SC 1550 [LNIND 1974 SC 154] : 1974 Cr LJ 1015 : (1975) 3 SCC 276 [LNIND 1974 SC 154] : 1975 SCC (Cr) 884. But injuries suffered by the accused must be explained to be not caused in the same episode and if the information as to injuries on the accused is suppressed by the prosecution, the case becomes doubtful. *Prem Singh v State of HP*, 1989 Cr LJ 1903 HP. Dispute over turn for irrigation, both sides injured, the fact of injuries on the accused suppressed and FIR also filed after delay, acquittal, *Desa Singh v Punjab*, 1996 Cr LJ 3381 (P&H). Another similar dispute and death in mutual fight, *State of Haryana v Karan Singh*, 1996 Cr LJ 3698 (P&H).
458. *Purna Chandra Barik v State of Orissa*, 1988 Cr LJ 731 Orissa. Where the finding of the High Court was that the accused, a police sub-inspector, was assaulted by the deceased and his companions and he used firearms causing death under the apprehension that otherwise he would be killed, this finding was held by the Supreme Court to be neither perverse nor palpably erroneous, *State of Punjab v Ajaib Singh*, AIR 1995 SC 975 [LNIND 1995 SC 136] : (1995) 2 Cr LJ 1456 : (1995) 2 SCC 486 [LNIND 1995 SC 136] . Warding off two successive attacks by the complainant party, clause 'firstly' and 'secondly' were held to be attracted, *Raj Singh v State of Punjab*, (1995) 1 Cr LJ 680 P&H.
459. *Sudhir Mahanta v State of Orissa*, 1980 Cr LJ 1918 Orissa. *Kesha v State of Rajasthan*, AIR 1993 SC 2651 : 1993 Cr LJ 3674 : 1995 Supp (3) SCC 743 , accused causing death without any reasonable apprehension of death or grievous hurt to himself, punishment for exceeding the right of private defence. *Bajinath Mahton v State of Bihar*, 1993 Cr LJ 2833 : AIR 1993 SC 2323 : 1993 Supp (3) SCC 1 , right of private defence exceeded in a group clash. *Dular Mahto v State of Bihar*, AIR 1993 SC 927 : 1993 Cr LJ 165 : 1993 Supp (3) SCC 467 , excesses in a group clash. *Babu Ram v State of Haryana*, 1993 Cr LJ 3788 (P&H), the case is of doubtful validity because aggressors were given the benefit of the right of private defence.
460. *Parshottam Lal Ji Waghela v State of Gujarat*, 1992 Cr LJ 2521 : 1992 Supp (3) SCC 194 . In a direct confrontation, there was the possibility of the accused becoming apprehensive of danger to himself and his family, he fired only one round, plea of private defence sustained, *Harish Kumar v MP*, 1996 Cr LJ 3511 : AIR 1996 SC 3433 [LNIND 1996 SC 1027] .

461. *State of UP v Gajey Singh*, (2009) 11 SCC 414 [LNIND 2009 SC 437] : 2009 Cr LJ 2274 : (2009) 3 All LJ 647.
462. *Vishwanath v State of UP*, 1960 Cr LJ 154 , (1960) 1 SCR 646 [LNIND 1959 SC 150] : AIR 1960 SC 67 [LNIND 1959 SC 150] .
463. *Nankau v State*, 1977 Cr LJ NOC 116 (All).
464. *Vishwanath*, *supra*.
465. *Bhadar Ram v State of Rajasthan*, 2000 Cr LJ 1174 (Raj). *Badan Nath v State of Rajasthan*, 1999 Cr LJ 2268 (Raj), causing injury to save daughter from being raped.
466. *Suresh Singh v State of Haryana*, AIR 1999 SC 1773 [LNIND 1999 SC 324] : 1999 Cr LJ 2585 ; *Shankar Balu Patil v State of Maharashtra*, (2007) 12 SCC 450 : (2008) 2 SCC (Cr) 591, the nature of injuries upon the accused and those upon the deceased clearly showed that the accused exceeded the right of private defence. Conviction under section 304 Pt. I and seven years imprisonment justified.
467. *Manphool Singh v State of Haryana*, AIR 2018 SC 3995 .
468. *Gajey Singh v State of UP*, 2001 Cr LJ 2838 (All); *State of UP v Laeeq*, 1999 Cr LJ 2877 at p 2879 : AIR 1999 SC 1742 [LNIND 1999 SC 476] , no allegation of any fear, no right of private defence. *Ram Dhani v State*, 1997 Cr LJ 2286 (All), the accused exceeded the right of private defence in causing death in circumstances in which justification for causing death was not available to him.
469. *Shingara Singh v State of Haryana*, (2003) 12 SCC 758 [LNIND 2003 SC 945] : AIR 2004 SC 124 [LNIND 2003 SC 945] : 2004 Cr LJ 828 . *Anil Kumar v State of UP*, 2004 All LJ 3779 : 2005 SCC (Cr) 178, the accused receiving minor injuries fired at the deceased to cause death, private defence exceeded.
470. *Chacko v State of Kerala*, (2004) 12 SCC 269 [LNIND 2004 SC 86] : AIR 2004 SC 2688 [LNIND 2004 SC 86] : (2004) 1 KLT 884 [LNIND 2004 SC 86] .
471. *Inacio Manual Miranda v State of Goa*, 1999 Cr LJ 422 (Bom); *State of MP v Ramesh*, 2005 Cr LJ 652 SC : AIR 2006 SC 204 [LNIND 2005 SC 881] : (2005) 13 SCC 247 [LNIND 2005 SC 881] , the plea of private defence cannot be based on surmises and conjectures, and guess work. Father asked his son to get his gun and shoot because they were irresponsive, death and injuries caused, conviction for murder because there was no danger which could create the right of private offence.
472. *Dhaneswar Mahakud v State of Orissa*, 2006 Cr LJ 2113 SC : AIR 2006 SC 1727 [LNIND 2006 SC 252] : (2006) 9 SCC 307 [LNIND 2006 SC 252] .
473. *Krishanan v State of TN*, 2006 Cr LJ 3907 : AIR 2006 SC 3037 [LNIND 2006 SC 612] : (2006) 11 SCC 304 [LNIND 2006 SC 612] .
474. *Kishan Chand v State of UP*, (2007) 14 SCC 737 [LNIND 2007 SC 1190] : AIR 2008 SC 133 [LNIND 2007 SC 1190] : (2007) 6 All LJ 658.
475. *V Subramani v State of TN*, 2005 Cr LJ 1727 : AIR 2005 SC 1983 [LNIND 2005 SC 224] : (2005) 10 SCC 358 [LNIND 2005 SC 224] .
476. *Dharminder v State of HP*, AIR 2002 SC 3097 [LNIND 2002 SC 537] .
477. *Dharam v State of Haryana*, (2007) 15 SCC 241 [LNIND 2006 SC 1108] . *Raghubir Singh v State of Haryana*, (2008) 16 SCC 33 [LNIND 2008 SC 2228] : AIR 2009 SC 1223 [LNIND 2008 SC 2228] : (2009) 73 AIC 93 , right of private defence not made out on facts.
478. *James Martin v State of Kerala*, (2004) 2 SCC 203 [LNIND 2003 SC 1097] , *Laxman Singh v Poonam Singh*, (2004) 10 SCC 94 [LNIND 2003 SC 767] : AIR 2003 SC 3204 [LNIND 2003 SC 767] , *Kulwant Singh v State of Punjab*, (2004) 9 SCC 257 [LNIND 2004 SC 105] : AIR 2004 SC 2875 [LNIND 2004 SC 105] , right of private defence could not be proved. *Bagdi Ram v State of MP*, (2004) 12 SCC 302 [LNIND 2003 SC 1047] : AIR 2004 SC 387 [LNIND 2003 SC 1047] : 2004 Cr LJ

632 , no right of private defence to use dangerous arms when the other side was absolutely unarmed.

479. Act 13 of 2013, section 2 (w.e.f. 3-2-2013).

THE INDIAN PENAL CODE

CHAPTER IV GENERAL EXCEPTIONS

THIS chapter has been framed in order to obviate the necessity of repeating in every penal clause a considerable number of limitations.

The word 'offence' in this chapter denotes a thing punishable under the Code or under any special or local law when it satisfied the conditions laid down in section 40 of the Code.

The "general exceptions" contained in sections 76–106 make an offence a non-offence. 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 definition of every offence contained in [IPC, 1860](#), but the burden to prove their existence lies on the accused.¹

The following acts are exempted under the Code from criminal liability:—

1. Act of a person bound by law to do a certain thing (section 76).
2. Act of a Judge acting judicially (section 77).
3. Act done pursuant to an order or a judgment of a Court (section 78).
4. Act of a person justified, or believing himself justified, by law (section 79).
5. Act caused by accident (section 80).
6. Act likely to cause harm done without criminal intent to prevent other harm (section 81).
7. Act of a child under seven years (section 82).
8. Act of a child above seven and under 12 years, but of immature understanding (section 83).
9. Act of a person of unsound mind (section 84).
10. Act of an intoxicated person (section 85) and partially exempted (section 86).
11. Act not known to be likely to cause death or grievous hurt done by consent of the sufferer (section 87).
12. Act not intended to cause death done by consent of sufferer (section 88).
13. Act done in good faith for the benefit of a child or an insane person by or by the consent of guardian (section 89).
14. Act done in good faith for the benefit of a person without consent (section 92).
15. Communication made in good faith to a person for his benefit (section 93).
16. Act done under threat of death (section 94).
17. Act causing slight harm (section 95).

18. Act done in private defence (sections 96–106).

The above exceptions, strictly speaking, come within the following seven categories:–

1. Judicial acts (section. 77, 78).
2. Mistake of fact (sections 76, 79).
3. Accident (section 80).
4. Absence of criminal intent (sections 81–86, 92–94).
5. Consent (sections 87, 90).
6. Trifling acts (section 95).
7. Private defence (sections 96–106).

Onus of proving exception lies on accused.—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 [Penal Code](#), 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.²

Although the law lays down that the onus of proving circumstances which give the benefit of a general exception to an accused person lies on him, and in the absence of evidence the presumption is against the accused, this does not mean that the accused must lead evidence. If it is apparent from the evidence on the record, whether produced by the prosecution or by the defence, that a general exception would apply, then the presumption is removed and it is open to the Court to consider whether the evidence proves to its satisfaction that the accused comes within the exception.³

Applicability of General exceptions during investigation.—In considering that whether accusation made in the complaint makes out a case for commission of offence or not, the police while reaching the *prima facie* satisfaction of suspecting the commission of cognizable offence, cannot ignore the general exception as provided under [IPC, 1860](#) as per Chapter IV of [IPC, 1860](#). If on the basis of the allegation made in the complaint, the case is falling in general exceptions, it can be said that the action cannot be termed as an offence.⁴ Investigating officer is bound to investigate and confirm that despite what is contained in the "General Exceptions"; acts committed by accused shall constitute offence under [IPC, 1860](#). This shall be done, by virtue of [section 6 of IPC, 1860](#). In the light of [section 6 of IPC, 1860](#), definition of every offence is to be understood subject to the "General Exceptions". Therefore, investigation shall not confine merely to the acts committed by a person. Depending on facts and circumstances of each case, many other relevant facts also have to be investigated into, in the light of the provisions contained in "General Exceptions". It is only then that an investigating officer will be able to confirm whether the act committed by a person is an offence or not, as defined in [IPC, 1860](#) subject to what is contained in "General Exceptions". Further, the category of self-defence falling in general exception would fall in a different category than the general exceptions, which are provided in the very chapter for exercise of the statutory duty or lawful power either under the mistake of law or fact or mistaken belief of law or fact.⁵

Of the Right of Private Defence

[s 101] When such right extends to causing any harm other than death.

If the offence be not of any of the descriptions enumerated in the last preceding section, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in section 99, to the voluntary causing to the assailant of any harm other than death.

COMMENT.—

Any harm short of death can be inflicted in exercising the right of private defence in any case which does not fall within the provisions of section 100. Thus, where only some mischief was caused to the factory and some brickbats were thrown by agitating workers, the owner of the factory was not justified in killing a worker by firing a shot from his revolver. As there was no apprehension of death or grievous hurt to his person, the accused could not get the benefit of clauses (1) and (2) of [section 100](#) or [section 103, IPC, 1860](#). He had only a limited right of private defence to cause any other harm than death within the meaning of [section 101, IPC, 1860](#), and as such having exercised his right of private defence he was liable to be convicted under section 304-Part I, [IPC, 1860](#).⁴⁸⁰ The accused was hit by a single brickbat or a stone piece and suffered a simple head-injury. After sometime he fired at the unarmed assailant causing grievous injury to his abdomen. The Supreme Court held that keeping in mind his simple hurt and the time gap between that and the gunshot wound caused by him, his action was a retaliation rather than act of private defence. His conviction under section 326 was accordingly upheld.⁴⁸¹ The right of private defence was held to have been exceeded where a member of the opposite side was killed after snatching his pistol.⁴⁸² The person who died came along with his brothers to stage a fight with the accused because of an earlier act of insult on the part of the accused. A single stab wound was administered to him, which fell upon his lower abdomen, of which he died. The accused and his wife were also injured in the process. It was held that the accused had not exceeded his right of private defence.⁴⁸³

When dealing with questions relating to right of private defence of the body this section and section 100 should be read together.

1. *Shankar Narayan Bhadolkar v State of Maharashtra*, [AIR 2004 SC 1966](#) [[LNIND 2004 SC 1370](#)] : [2004 Cr LJ 1778](#) : (2005) 9 SCC 71 [[LNIND 2004 SC 1370](#)] .

2. The [Indian Evidence Act](#), I of 1872, section 105.

3. *Musammatt Anandi*, (1923) 45 All 329 ; *Babulal*, [1960 Cr LJ 437](#) (All).

4. *A K Chaudhary v State of Gujarat*, [2006 Cr LJ 726](#) (Guj).

5. *A K Chaudhary v State of Gujarat*, [2006 Cr LJ 726](#) (Guj).

480. *Mahinder Paul v State*, [1979 Cr LJ 584](#) : [AIR 1979 SC 577](#) [[LNIND 1978 SC 389](#)] ; See also *Yogendra Morarij*, [1980 Cr LJ 459](#) : [AIR 1980 SC 660](#) .

481. *State of J&K v Hazara Singh*, [1980 Cr LJ 1501](#) : 1981 SCC (Cr) 537 : [AIR 1981 SC 451](#) .

482. *Ghunnu v State of UP*, [1980 Cr LJ \(NOC\) 15](#) : [AIR 1980 SC 864](#) : 1980 All LJ 397 : 1979 SCC (Cr) 438. See also *Chuhar Singh v State of Punjab*, [AIR 1991 SC 1052](#) : 1991 Supp (2) SCC 455 : 1991 SCC (Cr) 1066, where the circumstances did not justify causing death by gun shot injuries. *Bandlamuddi Atchuta Ramaiah v State of AP*, [AIR 1997 SC 496](#) : [1996 Cr LJ 4463](#) death of

neighbour caused at a time when there was no apprehension of loss of life or property. Right exceeded. Conviction under section 304 Part I.

483. *Ramchandran v State*, 1994 Cr LJ 2741 (Mad); *Sri Kumar Sharma v State of Bihar*, 2003 Cr LJ 2258 (Pat), right of private defence found justified, hence, acquittal.