

**39. “Voluntarily”.**—A person is said to cause an effect “voluntarily” when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

#### *Illustration*

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery and thus causes the death of a person. Here, A may not have intended to cause death; and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily.

<sup>1</sup>**[40. “Offence”.**—Except in the <sup>2</sup>[Chapters] and sections mentioned in clauses 2 and 3 of this section, the word “offence” denotes a thing made punishable by this Code.

In Chapter IV, <sup>3</sup>[Chapter VA] and in the following sections, namely, sections <sup>4</sup>[64, 65, 66, <sup>5</sup>[67], 71], 109, 110, 112, 114, 115, 116, 117,<sup>6</sup>[118, 119 and 120] 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word “offence” denotes a thing punishable under this Code, or under any special or local law as hereinafter defined.

And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word “offence” has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.]

**41. “Special law”.**—A “special law” is a law applicable to a particular subject.

**42. “Local law”.**—A “local law” is a law applicable only to a particular part of <sup>7</sup>[<sup>8</sup>\*\*\*<sup>9</sup>[India]].

**43. “Illegal”. “Legally bound to do”.**—The word “illegal” is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be “legally bound to do” whatever it is illegal in him to omit.

**44. “Injury”.**—The word “injury” denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

**45. “Life”.**—The word “life” denotes the life of a human being, unless the contrary appears from the context.

**46. “Death”.**—The word “death” denotes the death of a human being unless the contrary appears from the context.

**47. “Animal”.**—The word “animal” denotes any living creature, other than a human being.

**48. “Vessel”.**—The word “vessel” denotes anything made for the conveyance by water of human beings or of property.

**49. “Year”. “Month”.**—Wherever the word “year” or the word “month” is used, it is to be understood that the year or the month is to be reckoned according to the British calendar.

**50. “Section”.**—The word “section” denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

**51. “Oath”.**—The word “oath” includes a solemn affirmation substituted by law for an oath, and any declaration required or authorised by law to be made before a public servant or to be used for the purpose of proof, whether in a Court of Justice or not.

**52. “Good faith”.**—Nothing is said to be done or believed in “good faith” which is done or believed without due care and attention.

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1. Subs. by Act 27 of 1870, s. 2, for section 40.

2. Subs. by Act 8 of 1930, s. 2 and the First Sch., for “Chapter”.

3. Ins. by Act 8 of 1913, s. 2.

4. Ins. by Act 8 of 1882, s. 1.

5. Ins. by Act 10 of 1886, s. 21 (I).

6. Ins. by Act 10 of 2009, s. 51 (w.e.f. 27-10-2009).

7. Subs. by the A.O. 1948, for “British India”.

8. The words “the territories comprised in” omitted by Act 48 of 1952, s. 3 and the Second Sch.

9. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the States” which had been subs. by the A.O. 1950, for “the Provinces”.