

Sub - IPC.  
ROLL NO BDBA2350

4) Define House Breaking? Explain it?

Definition :

Housebreaking is an aggravated form of house-trespass and implies forceful entry into one's house.

Ingredients :

The entry of any part of human body is sufficient to constitute housebreaking under section 445 of IPC if the following ingredients are present

1. Trespass
2. House-trespass
3. The entrance by the trespasser must be done in any of the 6 ways.

Ways of Housebreaking :

Section 445 of IPC lays down 6 ways in which house breaking can occur, they are -

1. Through passage made by the house breaker itself
2. Through any passage not used by any person other than the intruder.
3. Through any passage opened for committing an offence of housebreaking which was not intended by the house occupier to be open.

4. By opening any lock.
5. By using criminal force at either entrance or departure.
6. By entering or quitting any passage fastened against such entrance or exit.

The first three ways are the ones in which entry is effected by using passage which is not the ordinary means of entry or exit.

The last three ways are the ones in which entry is effected by use of force.

#### Punishment :

The accused will be liable for imprisonment not exceeding 2 years and fine under section 453 of IPC.

#### Example :

Making a hole in the wall to enter a house, using a window to enter a house, assaulting the guard or doorkeeper to enter a house are some of the examples of housebreaking.



10) Discuss the offences of Bigamy?

Bigamy :

A person who is already having a husband or wife and marries another person in existence of previous spouse, is called bigamy.

Section : Section 494 of IPC.

→ This section states that any person who is already having a husband or wife and marries another person in existence of previous spouse, then the person shall be punished with imprisonment which shall extend to 7 years and would be liable to fine.

→ But a person cannot be convicted under this section when the marriage has already been declared void by the court

→ When one of the spouses is missing for a period of seven years and there is no information about his existence then the other partner can contract another marriage. But the spouse needs to be open to the facts before the person whom they are getting married.

## Filing Bigamy Charges

### In case of Women

- She can herself file the complaint
- Her father, mother, brother, sister or any person related to her by blood can file on her behalf.

### In case of a husband

- No person on behalf of the husband can file the case
- He has to file himself.
- In case of Armed forces, exception is provided.

### Right of the second wife.

- There is no provision for the right of a second wife in the case of second marriage.
- She cannot claim the property right of her husband.

### Right Child from the second marriage

- declared valid
- Equal rights as per the child from first marriage

Case Law: *Sarla May Mudgal vs Union of India.*

2) State three differences between Abduction and kidnapping.

Kidnapping	Abduction.
<p>① The minor is simply taken away.</p> <p>→ The means used to kidnap a child may be innocent.</p>	<p>① The means employed in abduction are force, compulsion or deceitful methods</p>
<p>② Intent of a person is immaterial.</p>	<p>② Intention of a person is <del>a</del> very important</p>
<p>③ It is not continuing offence</p>	<p>③ It is continuing offence.</p>
<p>4.) Consent of the person enticed is immaterial</p>	<p>④ Consent of the person matters.</p>



8) Discuss Unlawful Assembly and Affray?

Unlawful Assembly :

An assembly may turn unruly and which may cause injury to person, property or public order. Such an unruly assembly is termed as "Unlawful Assembly".

Section : Defined under Section 141 of IPC.

→ It is an assembly of 5 or more persons having common object to perform an omission or offence.

Conditions / Essentials :

- There must be an assembly of five persons.
- The assembly must have a common object
- The common object must be to commit one of the 5 illegal objects. They are -

1. To overthrow the government by criminal force.
2. To resist the execution of law or legal process.
3. To commit an offence
4. forcible possession or dispossession of any property
5. To compel any person to do illegal acts

Punishment : from 6 months to 2 years depending on the level of participation.

Affray :

The word 'Affray' means fighting between two or more and there must be a stroke given or offered or a weapon drawn.

Section : Section 159 of -IPC

→ When two or more person by fighting in a public place, disturb the public peace, they are said to commit an affray.

→ 1

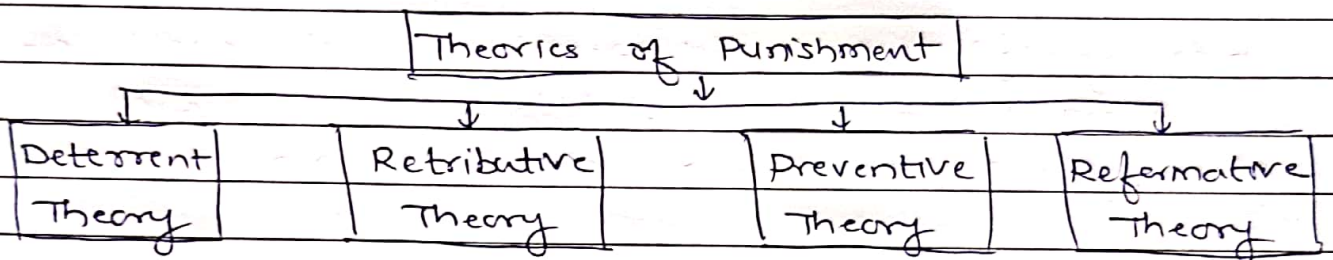
Punishment :

The punishment for committing affray is imprisonment for up to one month and fine up to one hundred rupees or both.

1) What are different theories of punishment? Explain

There are different kinds of punishment that a person can face.

There are majorly four theories of punishment. they are :



1 > Deterrent Theory :

Punishment is designed such that it can educate the criminals. Thus this can reform the criminals.

- This is designed to avoid future crime.
- By making an example of each defendant.
- It frightens the citizens to not do what the defendant did.

2. Retributive Theory :

- Retribution is the most ancient justification for punishment.
- Penalty will be given equivalent to the grievance caused by the person.
- Criminal had full knowledge of penalty system.



### Deterrentive Theory :-

- This theory is used as a restraint that the offender if repeats the criminal act is culpable for death or imprisonment.
- Notion that society must be protected from the criminals.

### Reformatory Theory :-

- This is not a punishment virtually but rather a rehabilitative process.
- This helps in making a criminal a good citizen as much as possible.
- It makes the citizen a meaningful citizen and upright straight man.

9) Discuss Stages of Crime

Ans -

- 1) Intention
- 2) Preparation
- 3) Attempt
- 4) Accomplishment

5) Criminal Breach of Trust

Definition

Whoever, being in any way entrusted with assets or with any dominion over property, dishonestly or converts his personal use or dispose of that belongings in violation of any course of regulation prescribed the mode in which the trust is discharged.

Section : 405 of IPC.