

Strict liability

Some cases have a strict liability clause, wherein Mens rea does not matter. Cases involving statutory rape and sale of alcohol or tobacco to minors are prime examples of this. It does not matter if the accused believed that his actions were legal, he will be guilty for the crime. In such cases, Actus Reus alone is sufficient to establish guilt, and to obtain a conviction from a competent court of law.

Some crimes require a deeper level of Mens Rea, like theft. Crimes like theft involve the specific intention to deprive the rightful owner of the full use the stolen good and enjoyment of his personal property with no intention of returning the said goods to their rightful owner. However, in cases of theft, the object does not necessarily have to be removed from the victim's immovable property (Example: – A person steals a diamond ring belonging to 'A' and hides it in a flower vase, in 'A's' house with the intention of retrieving the ring later and with no intention of returning it to 'A'. The moment the ring is taken from the location where 'A' left it, theft has been committed, and the thief can be prosecuted.) Cyber crime is simpler since theft of digital data cannot be accidental, and theft of identity, data and confidential information is done with malicious intent to harm the reputation of the victim or to get wrongful gain from the use of someone else's property or resources.

4 essential elements of a crime

In conclusion, the four essential elements of a crime are:- (1) the crime must be committed by a person, (2) there must be hurt or injury caused to another, (3) there must exist an Actus Reus, (4) there must be a Mens rea to commit the crime, with certain exceptions.