QUESTION NO 11:-

EXPLAIN THE TERM CRIME? WHAT ARE ITS ESSENTIALS AND TYPES?

1. **INTRODUCTION:**

Crime is an act committed or omitted in violation of public law forbidding or commanding it. In Pakistan where the whole criminal law is codified, crime means an act punishable by the Pakistan Penal Code or other penal statutes.

2. **CROSS REFERENCE:**

Section 11, 44, 189, 190, 385 of the PPC 1860.

3. **MEAININGS OF TERM CRIME:**

"Every offence punishable by law".

4. **DEFINITION OF CRIME:**

> **According to Black's Law Dictionary.**

"A positive or negative act in violation of penal law".

> **According to Austin.**

"A wrong which is pursued at the discretion of the injured party or his representatives in a civil injury, a wrong which is pursued by sovereign or his sub ordinates is a crime."

ESSENTIALS OF CRIME ACCORDING TO PPC (1860):

There are three essentials of crime According to PP.C.

> Human Being.
> Injury.
> Mens Rea.

c) Crimes against Morality.

d) White-Collar Crime.

e) Organized Crime.

11. CRIMES AGAINST PERSONS:

> **Cross Reference.**

    I.   Section 299 to 377 of PPC (1860)

    II.   Schedule II of Cr PC (1898)

Crimes against persons, also called personal crimes, include murder, aggravated assault, rape, and robbery. Personal crimes are unevenly distributed in the United States, with young, urban, poor, and racial minorities arrested for these crimes more than others.

12. CRIMES AGAINST PROPERTY:

> **Cross Reference.**

    I.   Section 378 to 382 of PPC (1860)

    II.   Schedule II of Cr PC (1898)

Property crimes involve theft of property without bodily harm, such as burglary, larceny, auto theft, and arson. Like personal crimes, young, urban, poor and racial minorities are arrested for these crimes more than others.

13. CRIMES AGAINST MORALITY:

Crimes against morality are also called victimless crimes because there is not complainant, or victim.

> **Example:**

Prostitution, illegal gambling, and illegal drug.

14. WHITE-COLLAR CRIME:

White-collar crimes are crimes committed by people of high social status who commit their crimes in the context of their occupation. This includes embezzling (stealing money from one's employer), insider trading, tax evasion, and other violations of income tax laws. White-collar crimes generally generate less concern in the public mind than other types of crime, however in terms of total dollars; White-collar crimes are even more consequential for society.

15. ORGANIZED CRIME:

➢ Actus Rea.

6. **HUMAN BEING:**

The first essential of a crime is that the act must be committed by a human being who:

      I.   Must be under legal obligation to act in a particular manner, and.

     II.   Should be a fit subject for award of appropriate punishment.

7. **MENS REA:**

The second important essential of a crime is Mens Rea or evil intent. There can be no crime of any nature without an evil mind. Every crime requires a mental element; even in strict or absolute liability some mental element is required. That is why Mens Rea is considered a fundamental principle of penal liability.

    ✓ **Case Law:GulAfzalvsThe State PLD (1992 PESH 125c).**

    ✓ **Held;** the existence are non- existence of specific mens Rea is a crucial factor in a case of attempt to commit Qatl-i-Amd.

8. **ACTUS REA:**

Some over act or illegal omission is necessary to take place in pursuance of the guilty intention. It is said that something in addition to a Means Rea is required to produce a criminal harm, and the Actus Rea is constituted by the event and not by the activity which caused the event.

9. **INJURY:**

It is essential that the injury should be illegally caused to any person i.e., human being in body, mind, reputation or property. The word injury is of wide connotation and includes all injuries caused by tortious act. Three sections of Pakistan Penal Code dea with injury.

- Section 189; injury to police servant.
- Section 190; injury to induce person to refrain from applying for protection to public servant.
- Section 385; putting a person in fear of injury in order to commit extortion.

10. **TYPES OF CRIME:**

    a) Crimes against Persons.

    b) Crimes against property.