CHANGES IN PROCEDURAL LAW-CIVIL PROCEDURE CODE 1908, A NEED OF THE DAY TO REDUCE PENDENCY OF CASES – A SMALL TREATISE

By
A. VENUGOPALA SARMA, Advocate
Kadiri, Anantapur District
Email ID sarma.avgs@gmail.com

It is perceived that the procedure laws are a cynosure to the subjective laws/ adjective laws. That a bird's view of the Code of Civil Procedure 1908, It can be conceived that the Act came in to force on the 1st day of January 1909 as Act 5 of 1908. It is needless to say that the very object of legislation id to see justice to be done to the litigant public and further no one should suffer with injustice. The same was legislated with great care and caution diving into the realm of judicature. When the universe is undergoing a lot of change and when total metamorphosis with the different social setup and ethical principles are in oblivion, there needs every change in procedure and law without effecting the grand norm. Hence in this regard I feel there is a lot of change is required in procedural laws to scale down the disposal, where it is steep to scale. Now it is too late to kindle our thoughts for development in law and procedure, specifically Civil Procedure Code. It is the duty of each and every intellectual community of an Advocate to rise to the occasion and ponder over the subject and see fair justice being done to litigant public. There are number of anomalies and unnecessary clogs in procedure which are likely to be scrapped. The precedence makes the Bench to exercise judicious discretion and not arbitrary discretion, hitting the social justice. That the Advocate's profession is a noble profession and we are social engineers that much burden is laid on our shoulders to navigate the legislators in a proper way.

That my first attack is on Order 6 Rule 17 of C.P.C. That Order 6 Rule 17 makes it clear :

Amendment of Pleadings :--The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties :

Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that inspite of due diligence, the party could not have raised the matter before the commencement trial, read :

1. Subs. for Rule 16 by Act 104 of 1976, *w.e.f.* 1.2.1977.

2. Subs. by Act 22 of 2002, Sec. 7, *w.e.f.* 1.7.2002.

That the said provisions of law ought to be viewed in the eye of Apex Court and their observations in case of *Gurbakhash Singh and others v. Buta Singh and others,* reported in 2003 ALT 55 (Supreme Court). It is a case wherein the same was filed for declaration on the basis of reversion rights. The said suit was decided as *Ex-parte*. Separate suit was filed for setting aside the *Ex-parte* decree. That in the second suit it was contended that the records in respect of Civil Suit Number 195/68 was not traceful in the record room. In that suit issues are shown and two official witnesses were examined. At that stage the plaintiffs in said suit preferred an application seeking amendment by the plaint. At that stage the amendment start by the plaintiff was as under Order 6 Rule 17 long after the commencement of trial :

> "3-A. That the perusal of the copy of the order/judgment dated 30.6.1969 and decree shows that the defendant No.I filed that suit in the year 1968 deliberately without giving all the particulars of the land at that point of time in the plaint inspite of the fact that consolidation of holding did take place in the year 1961-1962 and gave the old numbers before the consolidation with ulterior motive. Since old numbers were not in existence at the time of filing of the suit, an *ex parte* decree has been procured by suspension of the material facts."

Hence, that the sought for the amendment schedule alongwith the body of the plaint specifying various Killa No.'s which were all written in the earlier suit. They sought for amendment of prior portion also. That the aforesaid application came to be dismissed by the Trial Court observing that the appellants had failed to exercise due diligence and the facts in question could have been raised before framing of the issues. That the rejection of the said application for amendment was challenged by the way of Civil Revision in 5373/2014 in the High Court. That the Hon'ble High Court however, dismissed the said petition. It was observed by the High Court :

> "No doubt, the amendment would not change the nature of the suit, however, all amendments which do not change the suit cannot be allowed particularly after the commencement of the trial. It has been found by the Cowl that necessary pleadings are already in existence in the original plaint".

As against the said judgment, the present case law is before the Apex Court keeping a view of the Verdicts of Apex Court in similar to the present case held in *Abdul Rehman and others v. Mohammad Ruldu and others*, reported in 2012 ALT 6 Page 41 (SC), which was again reiterated by the Apex Court in case of *J. Samuel and others v. Gattu Mahesh and others*, reporting in 2012 ALT 2 PAGE 40 (SC) and in case of *Ramesh Kumar Agarwal v. Rajamala Exports Pvt. Ltd. and others*, with the principles underlying therein their Lordships Justice *Arun Mishra* and Justice *Uday Umesh Lalith* observed :

> "11. The original provision was deleted by Amendment Act 46 of 1999, however, it has again been restored by Amendment Act 22 of 2002 but with an added proviso to prevent application for amendment being allowed after the trial has commenced, unless the Court comes to the conclusion that inspite of due diligence, the party could not have raised the matter before the commencement of trial. The above proviso, to some extent, curtails absolute discretion to allow amendment at any stage. At present, if application is filed after commencement of trial, it has to be shown that inspite of due diligence, it could not have been sought earlier. The object of the rule is that Courts should try the merits of the case that come before them and should, consequently, allow all amendments that may be necessary for determining the real question in controversy between the parties provided it does not cause injustice or prejudice to the other side. This Court, in a series of decisions has held that the power to allow the amendment is wide and can be exercised at any stage of the proceeding in the interest of justice. The main purpose of allowing the amendment is to minimize the litigation and the plea that the relief sought by way of amendment was barred by time is to be considered in the light of the facts and circumstances of each case".

In the light of the observations made by then Lordships in the above said decisions "this Court in a series of a decisions has held that the power to allow the amendment is wide and can be exercised at any stage of

proceedings in the interests of justice. The main purpose of allowing the amendment is to minimize the litigation and plea the reliefs sought by the way of amendment was barred by time is to be considered in the light of facts and circumstances of the case": The very proviso made to Order 6 Rule 17 as incorporated under Act 22/2012 will become attoice. It serves no purpose to adjudicate the matter on merits and rendering substantial justice. That after going through various decisions of High Court and the Apex Court, rendering a decision immediately after filing the application and after due process in law is no of avail to minimize the litigation and virtually it leads to the delayed process leading to injustice to parties. I submit analytically. The rendering of decision atleast takes sometime if the reason is invoked or taken to the Apex Court under special leave in certain cases the trial of the case will be stayed and atleast it takes a decade or two decades for restoration of trial. That in the above referred case of Supreme Court civil suit was filed in the year 1968, the *ex parte* judgment was rendered in the year 1969 and second suit was filed for setting aside the *ex parte* decree, and after commencement of trial and examining two witnesses an application under Order 6 Rule 17 was filed. It underwent number of metamorphize and finally reached the finality on 27.4.2018. Hence, it has taken 50 years for simple disposal of application under Order 6 Rule 17 how can we expect to drive the disposal of cases so by the time the trial is concluded, we do not know how many parties to proceedings will die and can the party enjoy the fruits of the decree. Hence, I feel that an application under Order 6 Rule 17 at any stage of the proceedings subject to the final decision at the time of finality of the suit. It is worthwhile to delete the proviso under Order 6 Rule 17 and in its place the following amendment is necessary "with the conditions specified in the above provision. Subject to objections raised by the other party, without prejudice to the rights of the parties though amendment is allowed, the necessity of the amendment or otherwise will be considered at the time of disposal of suit". Hence, the question of scrapping the original text should not be done and it should go alongwith the amendment and with the amendment runs counter to the original admission or otherwise the same can be brushed aside at the time of rendering the judgment. Virtually this will save a lot of time and it paves also to substantial justice. In case aggrieved by the same can prefer appeal. So, it will also not heat the provisions of Indian Evidence Act. This is my sincere thought over the subject.

I want to step into Section 89(1) of C.P.C. which is most unwanted. The Section 89(1) of C.P.C. reads as follows :

> *[89(1). Settlement of disputes outside the Court* :—(1) Where it appears to the Court that there exist elements of a settlement which may be acceptable to the parties, the Court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observations of the parties, the Court may reformulate the terms of a possible settlement and refer the same for—
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> (a) arbitration;
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> (b) conciliation;
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> (c) judicial settlement including settlement through Lok Adalat, or
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> (d) mediation.
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> (2) Where a dispute has been referred—
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> (a) for arbitration or conciliation, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply as if the proceedings for arbitration or conciliation are referred for settlement under the provisions of that Act;

(b) to Lok Adalat, the Court shall refer the same to the Lok Adalat, in accordance with the provisions of sub-section (1) of Section 20 of the Legal Services Authorities Act, 1987 (39 of 1987) and all other provisions of that Act shall apply in respect of the dispute so referred to the Lok Adalat;

(c) for judicial settlement, the Court shall refer the same to a suitable institution or person and such institution or person shall be deemed to be a Lok Adalat and all the provisions of the Legal Services Authorities Act, 1987 (39 of 1987) shall apply as if the disputes were referred to a Lok Adalat under the provisions of that Act;

(d) for mediation, the Court shall effect a compromise between the parties and shall follow such procedure as may be prescribed.]

The above section of CPC is not vital especially in terms of the provisions of Order 23 CPC and Lok Adalat Act. That the provisions in Order 23 are exhaustive, further repeal of the said section saves the Court time also and leads to speedy disposal. In any event the Courts are at liberty to suggest compromise during the course of trial where the disputes can easily be solved, in case the parties agree for the same. That the option is also left over to refer the matter to Lok Adalat. Further if not it hampers the call work, the said procedure laid down is only a time consumption process and will not serve the purpose in achieving the goal of justice.

That a bird's view of Order 7 Rule 14 as amended by Section 46/1999 which came into effect with 1.7.2002 and further Order 8 Rule 1-A(3) speaks about the requirement of leave of the Court when the documents are produced subsequent to the filing of pleadings. In this regard, it is most important to observe the findings of the Lordships Hon'ble Justice *S. Abdul Nazeer* and Justice *Sanjay Kumar* in a case *Sugandhi died by LR.'s and another v. Rajkumar rep. by his PAH Imam Vali,* reported in 2021 SAR (Civil 11) Para 9 of the said judgment :

> "It is often said that procedure is the handmaid of justice. Procedural and technical hurdles shall not be allowed to come in the way of the Court while doing substantial justice. If the procedural violation does not seriously cause prejudice to the adversary party, Courts must lean towards doing substantial justice rather than relying upon procedural and technical violation. We should not forget the fact that litigation is nothing but a journey towards truth which is the foundation of justice and the Court is required to take appropriate steps to thrash out the underlying truth in every dispute. Therefore, the Court should take a lenient view when an application is made for production of the documents under sub-rule (3)".

These observations of the Apex Court straight away takes us to the question: Whether the said provision of CPC is handmaid of Justice. That here in the said case the suit is of the year 2014 and the application Order 7 Rule 1-A(3) came to finality on 13th October, 2020. Further how much time it takes for the disposal of the case. When it has taken 6 years for disposal of small I.A., I feel is it necessary to keep the said provision in C.P.C. for arriving the substantial justice. The same can also be scrapped from C.P.C.

I feel when the liberal view of the Apex Court is to liberally construe the statute, where is the question of applying straight jacket formula. In my view a just memo is sufficient enlisting the documents to be filed at any stage of the proceedings. Its compatibility and incompatibility with view of justice can be adjudicated while disposal

of the case. As ruled by the Supreme Court in receiving the documents in evidence during the course of trial where stamp duty is not involved under Section 35 of Stamp Act, the relevancy, admissibility and inadmissibility of the document can be seen at the time of disposal of the case and all objections raised by the parties can be decided at that stage without postponing the trial of the case. This method as suggested by me overcome the technical issues in procedure and can save lot of time and purse of the client. My humble endeavor is to dig with pickaxes and dive deep into sea and realm of law and evolve solution and to save the society.

Nextly we have to bestow our thoughts to the procedure laid down under Order 22 of C.P.C. That Order 22 Rule 1 lays down the rule that no abatement by parties death if right to sue survives. The rule laid down under Order 22 Rule 2 is a procedure where one of the plaintiffs or defendants dies and right to sue survives. The next provision is Order 22 Rule 3 CPC *i.e.*, the procedure laid down in case of death of one of the plaintiffs or of sole plaintiff :

> *4. Procedure in case of death of one of several defendants, or of sole defendant :*—(1) Where one of two or more defendants dies and the right to sue does not survive against the surviving defendant or defendants alone, or a sole defendant or sole surviving defendant dies and the right to sue survives, the Court, on an application made in that behalf, shall cause the legal representative of the deceased defendant to be made a party and shall proceed with the suit.
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> (2) Any person so made a party may make any defence appropriate to his character as legal representative of the deceased defendant.
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> (3) Where within the time limited by law no application is made under sub-rule (1), the suit shall abate as against the deceased defendant.
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> [(4) The Court whenever it thinks fit, may exempt the plaintiff from the necessity of substituting the legal representatives of any such defendant who has failed to file a written statement or who, having filed it, has failed to appear and contest the suit at the hearing; and judgment may, in such case, be pronounced against the said defendant notwithstanding the death of such defendant and shall have the same force and effect as if it has been pronounced before death took place.]

It is evident from the reading of Order 22 Rule 3 and Rule 4 and Rule 4-A that in case of the death of the plaintiff or plaintiffs the legal representatives of the deceased plaintiff ought to be brought on record subject to Order 22 Rules 1 and 2 CPC. Likewise, any one of the defendant or defendants dies, the legal representative of the deceased defendant subject to Order 22 Rule 4 of CPC, but there is no necessity to bring on record the L.R.'s of the deceased defendant or defendants who failed to file the written statement. I feel it curbs the very right of the legal representatives of the deceased defendant for the judgment on merits will it not take away the legal remedy of the deceased L.R. that in case no notice under Order 22 Rule 4 is not served there is no chance for the legal representatives knowing about the fact of litigation in this regard I want to make it clear by analyzing the fact that in case an employed son of the deceased is working at a distance place or who has went out of the family knowing nothing about the litigation brought by the father and who did not file a written statement has no chance about knowing about the dispute involved and the so called exemption would jeopardize the rights of the party and much injustice being done to the party. Next going to the procedure laid down under Order 22

Rule 5-A&B are again delay the proceedings of the trial and disposal of the cases. That being in profession for the last 45 years the procedure should be hand in made for substantial law but it should not be a hurdle creating lot of trouble for early disposals. Generally, when an application either under Order 22 Rule 3 or Order 22 Rule 4 is not filed within 60 days, subject to Order 22 Rules 1 and 2 the suit gets abated. Further an application to set aside abatement is to be filed within 60 days from the date of abatement if an application under Order 22 Rule 9 of CPC is not filed within 60 days then an application to condone the delay under Limitation Act has to be filed. The cretana of cases speaks about the liberal, construing the problems and there should not be straight jacket formula. But there are Trial Courts and High Courts which are taken different view and strictly construed the procedure. That in case of all the three petitions Order 22 Rule 3/4, Order 22 Rule 9 and Section 5 limitation (to condone delay) erroneously the finding is confirmed and in special leave petition, the Apex Court reverse the said findings of Trial Court and the High Court, how much time it takes to continue the proceedings under Order 22 Rule 3/Order 22 Rule 4 of CPC. It takes more than a decade in case of early disposal and for commencement of trial atleast it takes 1 or 2 years. Suppose this happens after closure of evidence for the disposal of the entire case it takes more than 20 years, by which time again if any one of the party dies it takes another 5 years. This long pendings of case may lean to distrust and desperate. It causes much loss to the public litigant and makes his purse empty. It should not be the intention of legislation. This procedure was focused as long as more than 130 years as per the social setup in those days. It is pertinent for me to bring into light another wonder. There are certain riddles so far unknotted. In case a party to suit dies at the stage of 1st appeal either the Advocates or the Presiding Officers do not have knowledge about the same after hearing the both the parties, when the matter is remitted back to the Lower Court or Trial Court and after the matter being remitted to the lower Court steps being ordered to bring the L.R.'s on record whether application under Order 22 Rule 4/Order 22 Rule 3 is maintainable in the Trial Court. So, it is quite clinching that the judgment of remand has become a nullity, since it is against the dead person. In case the party dies after hearing of arguments; it is saved by Order 22 Rule 6 CPC. In my view the said procedure also takes away the right of the L.R.'s to be heard I feel once again it is judgment against the dead person. In the light of these provisions, it is justifiable to quote the findings of their Lordships *K. Ahmad* in case of *Kameswar Pandey and others* as appellants *v. Deolal Barchi and others* as respondents reported in AIR 1964 Pat. at Page 247. That the following is the concludings made by their it Lordships in Para 5 of the decision relying on various decisions reported in 1928 Privy Council, 1944 Privy Council, AIR 1949 Mad., 1945 Patna and 1956 Patna :

> "Thereafter, though an application for substitution was made on behalf of the appellants in that Court, unfortunately that application was left undisposed of with the result that the appeal-decreed in that Court was also alongwith others against a dead person, namely, defendant No.1. This fact was detected for the first time in this Court, and, accordingly, how, a petition has been filed on behalf of the appellants in SA No.185 of 1961 for the substitution of the heirs of defendant No.1. A Division Bench of this Court in *Mrs. Gladys Coutts v. Dharkhan Singh*, AIR 1956 Pat. 373, in similar circumstances held that, where an application for setting aside abatement and substituting the heirs of the dead respondent is made in second appeal, such application must be dealt with by the Court in which abatement

occurred and that the proper procedure to follow for the Second Appellate Court is to set aside the decree of the Court of appeal below on the ground that it was passed in respect of a dead person and to remand the appeal to the Court of appeal below in order to deal with the application for setting aside abatement any substituting the heirs of the dead respondent.

That the Apex Court has shown more concern about the proceedings under Order 22 Rule 4 and Order 1 Rule 10. That their Lordships *Arun Mishra* and *Mohan M. Santhana Gowd* made a thorough research work regarding the subject in the said case. That is in case of *Mahesh Bhai, Pankaj Bhai, Janavadiya v. Jatha Bhai, Kala Bhai, Zalavadiya through LR's and others*. That the brief facts of the case are that the appellant filed a suit on 26.4.2008 seeking to set aside executed in March, 1995 in respect of a parcel of land which was purchased by the 7th defendant. As a date of filing of suit the defendant was already dead. Upon the report of the process server to this effect, the Trial Court on 31.3.2009 ordered that the suit has abated as against defendant No.7, initially, the appellant filed an application under Order 20 Rule 4 of CPC for bringing on record the legal representatives of the deceased No.7. The Trial Court while rejecting the application on 9.9.2009 observed thus :

"According to the ratio laid down in the above said cases Order 22 Rule 4 of Code will apply only when the party dies during the pendency of the proceeding. Further held that a suit against dead person is admittedly a nullity and therefore, Order XXII Rule 4 cannot be invoked. Further held that the provisions of Order XXII Rule 4 of Code and Order 1 Rule 10 of Code are different and independent. Therefore, according to heirs of deceased defendant, the heirs cannot be joined as party because the suit is filed against dead person. Now in this case, the endorsement for the bailiff for the death of defendant No.7 made on 31.1.2009 and the present application is filed on 20.5.2009. The application is filed for setting aside abatement and to join the heirs in this suit. Moreover, there is no case of the plaintiff that he has no knowledge about the death of defendant No.7 or he has made inquiry. Therefore, as per the judgment produced by the defendant, the suit against dead person is nullity. Moreover, the plaintiff has not mentioned the provision under which he has filed the present application. Moreover, the plaintiff has remedy against the heirs therefore, no injustice will cause to him. Moreover, there are other defendants on record. Under these circumstances, the application cannot be allowed. Hence, I pass the following order in the interest of justice.

ORDER

The applicant is not allowed.

No order as to cost."

There after the appellant choose to file an application for impleading the legal representatives of the deceased the 7th defendant under Order 1 Rule 10 of the Code, the said application was also dismissed on 3.9.2011 and the same was confirmed by the Hon'ble High Court of Gujarat. Hence, the present appeal in the Apex Court. That the contention of the appellant that application of Order 1 Rule 10 is maintainable as the application under Order 4 Rule 22 was dismissed. That the respondent contended relying upon catena of judgments reported in *Ram Prasad Dagduram v. Vijaya Kumar Motilal Mirakhanwala and others*, 2013 (4) MHLJ 403 and *Jayalakshmi Janardhan Walawalkar and others v. Leelachand Lakshmichand Kapasi and*

others, and the decision reported in (1997) 5 SCC 366 in case of *Arora Enterprise Ltd. v. Indubushan Oban*, contended that the High Court as well as the Trial Court as justified in dismissing the applications under Order 22 Rule 4 of the Court and Order 1 Rule 10. Hence this problem is focused before Supreme Court to show whether the orders of the High Court and Trial Court are justified. The Apex Court dealt with this aspect in detail widely discussing the Bench decision of the Apex Court in case of *Kumar Motilal Mirakhanwala,* wherein their Lordships held that application to bring the L.R.'s on record can be added under Order 1 Rule 10 of CPC. Further their Lordships taken it account that the decision of the Apex Court reported in 1983 (2) SCC 132 in case of *Bhagawan Swaroop and others v. Moolchand and others* and observed as follows :

> "4. It is true that it was incumbent upon the appellants to implead the heirs and legal representatives of deceased respondent I in time. It is equally true that the appellants were negligent in moving the proper application. We would not question the finding of the High Court that appellants 2, 3 and 4 knew about the death of the deceased respondent 1. This being a suit for partition of joint family property, parties are closely inter-related and it is reasonable to believe that atleast some of the appellants must have attended the funeral of deceased respondent 1, as contended on behalf of the contesting respondent 2. There is some force in the contention that when a specific provision is made as provided in Order 22, Rule 4, a resort to the general provision like Order 1, Rule 10 may not be appropriate. But the laws of procedure are devised for advancing justice and not impeding the same. In *Sangram Singh v. Election Tribunal, Kotah*, AIR 1955 SC 425, this Court observed that a Code of Procedure is designed to facilitate justice and further its ends; not a penal enactment for punishment and penalties; not a thing designed to trip people up. This was reaffirmed in *Kalipar Das v. Bimal Krishna Sen*, (1983) 1 SCC 14."

That sailing with the above case law followed by the Apex Court, it is clinching that a code of procedure is designed to facilitate the justice and further it cents; not a penal enactment for punishments and penalties, not a thing designed to trip the people up. Further it is spoken by the Apex Court "the party who wants to derive a technical advantage by the procedure laps and if the trend is to encourage fair play in action in administrative law, it must all the more in here. Such applications have to be approached with this view whether substantial justice is to be done between the parties or technical procedure are given precedence over doing substantial justice in Court. With the said observations the Hon'ble Apex Court allowed the said applications and permitted the appellant to invoke the provision of Order 1 Rule 10 of CPC. That my deep-felt concern is to remove the technical, know hows in procedure for rendering justice who has got right to litigate.

That I feel the procedure laid down on Order 22 Rule 4 are under Order 22 Rule 3 with other clauses is cumbersome takes to a lot of time for disposal of simple applications and ultimately the trial of the case would be unnecessarily hampered in the above cited cases of the Supreme Court, it has taken more than two decades for attaining finality. Hence, I feel that except the provisions of Order 22 Rule 3 under Order 22 Rule 4 the provisos and other clauses should be removed with a necessary amendments and option should be given to the party to file the application to bring the L.R.'s on record of the deceased either under Order 1 Rule 10 or Order 22 Rule 3 or Order 22 Rule 4 that it gives

an end to procrastinated litigation and there is possibility to give fair justice. This cumbersome procedure makes no meaning. It is well said in a maxim of telugu language "to catch a rat, digging the whole hill". Further in the words of Justice *Mohammad* "justice delayed is justice denied".

That I made a little venture for curtailing the eddings in early disposal of cases, the other intellectuals can come forward and advance their thoughts in this regard. Finally I leave with the saying of *Williams Scott Downey* "Law without Justice is a wound without cure".

GENERAL EXCEPTIONS UNDER INDIAN PENAL CODE, 1860

By
KADEKA SAINANDA, Asst. Professor
Mahatma Gandhi Law College,
Hyderabad
Email : parisainandachowdary@gmail.com

Introduction :

Indian Penal Code was enacted in the year 1860 on the recommendations of the first law commission of India established in 1834 under the Charter Act of 1833 under the Chairmanship of Lord *Thomas Babington Macaulay*. The Indian Penal Code of 1860, subdivided into 23 Chapters, comprises 511 Sections, and the General Exceptions are narrated in Chapter-IV from Sections 76 to 106 of IPC.

Definition of Crime:

Meaning of crime in Indian Penal Code has been highlighted as the commission of an act prohibited by law of the land. Criminal Law is a branch of public law. Crime means wrongs done by human beings. It authorizes the infliction of State punishment.

A person shall be guilty of a crime under Indian Penal Code if he has *mens rea* and *actus reus* concurrently. In criminal proceedings, State is a party as crime is not only a wrong against the individual but also against the whole society. Criminal law is considered as a barometer to gauge the moral turpitude of the society at a given time.

The concept of crime depends largely on the social values, accepted norms and behavioral patterns of a particular society at a given time. According to *Blackstone*, a crime is an act committed or omitted in violation of a public law either forbidding or commanding it.

Crime - A Civil or a Moral Wrong

Crime is basically disobedience of penal law. For example, an offender disobeys the prohibited laws governed by the Criminal Law, he is liable to be punished. The consequence of violation of law is sufferance of punishment by the offender. The object of criminal law is called as "penal retribution".

Crimes are not civil wrongs. In a civil wrong, the defendant is liable to pay compensation to the plaintiff. This is because the object of civil law is to restore the plaintiff to his/her original position by compensating him/her. The object of civil law is restorative justice.