



**RAMA
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**FACULTY OF JURIDICAL
SCIENCES**

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SUBJECT NAME- LAW OF CRIMES
COURSE NAME- BA LLB, Vth Sem
SUBJECT NAME- LAW OF CRIMES

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LECTURE 3

Definition Of Crime:

- Many jurists have defined crime in their own ways some of which are as under:
Blackstone defined crime as an act committed or omitted in violation of a public law either forbidding or commanding it.
Stephen observed a crime is a violation of a right considered in reference to the evil tendency of such violation as regards the community at large.
Oxford Dictionary defines crime as an act punishable by law as forbidden by statute or injurious to the public welfare.

Fundamental Elements Of Crime: There are four elements which go to constitute a crime, these are:-

- Human being
- Mens rea or guilty intention
- Actus reus or illegal act or omission
- Injury to another human being

Human Being- The first element requires that the wrongful act must be committed by a human being. In ancient times, when criminal law was largely dominated by the idea of retribution, punishments were inflicted on animals also for the injury caused by them, for example, a pig was burnt in Paris for having devoured a child, a horse was killed for having kicked a man. But now, if an animal causes an injury we hold not the animal liable but its owner liable for such injury.

So the first element of crime is a human being who- must be under the legal obligation to act in a particular manner and should be a fit subject for awarding appropriate punishment.

Section 11 of the Indian Penal Code provides that word 'person' includes a company or association or body of persons whether incorporated or not. The word 'person' includes artificial or juridical persons.

Mens Rea- The second important essential element of a crime is mens rea or evil intent or guilty mind. There can be no crime of any nature without mens rea or an evil mind. Every crime requires a mental element and that is considered as the fundamental principle of criminal liability. The basic requirement of the principle mens rea is that the accused must have been aware of those elements in his act which make the crime with which he is charged.

There is a well known maxim in this regard, i.e. "actus non facit reum nisi mens sit rea" which means that, the guilty intention and guilty act together constitute a crime. It comes from the maxim that no person can be punished in a proceeding of criminal nature unless it can be showed that he had a guilty mind.

Actus Reus [Guilty Act Or Omission] - The third essential element of a crime is actus reus. In other words, some overt act or illegal omission must take place in pursuance of the guilty intention. Actus reus

is the manifestation of mens rea in the external world. Prof. Kenny was the first writer to use the term 'actus reus'. He has defined the term thus- "such result of human conduct as the law seeks to prevent".

Injury- The fourth requirement of a crime is injury to another person or to the society at large. The injury should be illegally caused to any person in body, mind, reputation or property as according to Section 44 of IPC, 1860 the injury denotes any harm whatever illegally caused to any person in body, mind, reputation or property.

MCQs-

i. A quarrel arose between C on the one side and A and B on the other. C abused A, whereupon A struck him with a stick, and B struck him down with an axe on the head. He also received two other wounds with the axe on the other parts of the body. Any one of the three axe wounds was sufficient enough to cause death, especially the one on the head.

- A. C is guilty for voluntarily provoking the attack while B is guilty of culpable homicide
- B. A is guilty of culpable homicide, while B is guilty of voluntarily causing hurt
- C. B is guilty of culpable homicide, while A is guilty of voluntarily causing hurt
- D. Both A and B are guilty of culpable homicide

ii. All about 'intention' is true except one:

- A. is a state of mind
- B. is an objective element
- C. rarely susceptible to proof
- D. always a matter of inference

iii. The word 'illegal' is applicable to everything:

- A. which is an offence
- B. which is prohibited by law
- C. which furnishes ground for civil action
- D. all of them

iv. Several persons assemble at the door of the house of one K and the appellant struck a blow with a kench which fell on the left thigh of a workman working in the house of one K whom the appellant and others wanted to attack, and as the appellant struck at the very first person who opened the door and that was how that came to receive the injury.

- A. every person is guilty of vicarious liability excluding the appellant
- B. only the appellant is to be convicted for the said injury
- C. none is guilty of vicarious liability
- D. none of them

v. Abetment of any offence when one act is abetted and a different act is done; subject to proviso is dealt under-

- A. Section 109 of IPC
- B. Section 110 of IPC
- C. Section 111 of IPC
- D. Section 112 of IPC