



**RAMA
UNIVERSITY**

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**FACULTY OF JURIDICAL
SCIENCES**

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SUBJECT NAME- LAW OF CRIMES

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

SUBJECT CODE-BBL-504

LECTURE-2

Actus reus

Actus reus is a juristic concept which shows the physical representation of a crime. Thus, it shows how the crime committed affected the person physically along with his conduct at that point in time. So, this concept can be applied while considering the fact, time, place, person, possession, consent of the victim, etc.

Example

Suppose a person X fires a gun to kill person Y. The scenario here is that X fires the bullet and drops the gun. So, if this scenario were to be considered as actus reus rather than the intention of killing the person if the bullet touches or kills the person Y is considered. Also, if the bullet hurts the person or causes him the death is also taken into consideration.

The Elements and Stages of a Crime

Criminal law is a body of rules and statutes that defines conduct prohibited by the state because it threatens and harms public safety and welfare and that establishes punishment to be imposed for the commission of such acts. Criminal law differs from civil law, whose emphasis is more on dispute resolution than in punishment.

The term criminal law generally refers to substantive criminal laws. Substantive criminal laws define crimes and prescribe punishments. In contrast, Criminal Procedure describes the process through which the criminal laws are enforced. For example, the law prohibiting murder is a substantive criminal law. The manner in which state enforces this substantive law—through the gathering of evidence and prosecution—is generally considered a procedural matter.

II. History: The first civilizations generally did not distinguish between civil law and criminal law. The first written codes of law were designed by the Sumerians around 2100-2050 BC. Another important early code was the Code Hammurabi, which formed the core of Babylonian law. These early legal codes did not separate penal and civil laws. Of the early criminal laws of Ancient Greece only fragments survive, e.g. those of Solon and Draco.

After the revival of Roman law in the 12th century, sixth-century Roman classifications and jurisprudence provided the foundations of the distinction between criminal and civil law in European law from then until the present time. The first signs of the modern distinction between crimes and civil matters emerged during the Norman invasion of England. The special notion of criminal penalty, at least concerning Europe, arose in Spanish Late Scholasticism, when the theological notion of God's penalty (poena aeterna) that was inflicted solely for a guilty mind, became transfused into canon law first and, finally, to secular criminal law. The development of the state dispensing justice in a court clearly emerged in the eighteenth century when European countries began maintaining police services. From this point, criminal law had formalized the mechanisms for enforcement, which allowed for its development as a discernible entity.

MCQs-

i. In a case the accused was convicted u/s. 325 I.P.C. and was sentenced by trial Court to two months R.I. with fine of Rs. 500 for offence under S. 325 I.P.C. The trial pended for seven long years.

- A. the sentence is improper for an offence under Section 325 I.P.C
- B. the sentence is proper and appropriate
- C. the accused should be sentenced to fine and imprisonment till the rising of Court
- D. both (A) and (C)

ii. A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating and also by each of the blows which make up the whole beating. As per Section 71 of IPC which of the following should be the punishment?

- A. A is liable for every blow and should be imprisoned for fifty years one for each blow
- B. A is only liable for blows he delivered on the victim
- C. A is liable to one punishment for the whole beating
- D. A should be separately punished for beating and delivering blows

iii. Abetment of any offence, punishable with death or imprisonment for life, if the offence be not committed in consequence of the abetment is dealt under-

- A. Section 115 of IPC
- B. Section 116 of IPC
- C. Section 117 of IPC
- D. Section 118 of IPC

iv. Abetting the commission of an offence by the public or by more than ten persons is dealt under-

- A. Section 117 of IPC
- B. Section 118 of IPC
- C. Section 119 of IPC
- D. Section 120 of IPC

v. Concealing a design to commit an offence punishable with imprisonment, if offence be committed if the offence be not committed is dealt under-

- A. Section 119 of IPC
- B. Section 120 of IPC
- C. Section 121 of IPC
- D. Section 122 of IPC