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FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. 1st Semester

SUBJECT: ADVANCE LEGAL WRITING SKILL-I

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LECTURE: 21

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Lecture-21



CRIME

An offence against the state that is punishable. The act or omission may also be civilly actionable .
Prevailing legal thinking takes the positivist view (POSITIVISM) that any conduct can be declared criminal, so everything from murder to a failure to renew a television licence can be a crime

. Most legal systems require that the accused person should exhibit mens rea ('a guilty mind') as well as having carried out the actus reus, being the physical requirement. Thus, in theft the accused must have taken the thing (although this is interpreted differently in different systems) and have intended to deprive the true owner of his ownership (although this too can be formulated differently in different systems). Motive is generally irrelevant. A crime is sometimes distinguished from delicts and contraventions, especially in the civil law jurisdictions: a crime is a serious crime, a delict a major offence and a contravention a trivial breach of the law. Crimes are also distinguished from offences, the latter being considered more trivial. The common law world has had a distinction between crime (grave) and misdemeanor (slight). Another common distinction is between mala in se, or 'bad in themselves' or they are mala prohibita, 'bad because prohibited', as being against public policy.

Criminal

1) n. a popular term for anyone who has committed a crime, whether convicted of the offense or not. More properly it should apply only to those actually convicted of a crime. Repeat offenders are sometimes called habitual criminals. 2) adj. certain acts or people involved in or relating to a crime. Examples of uses include "criminal taking," "criminal conspiracy," a "criminal gang".

Victims

means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States

person

1) a human being. 2) a corporation treated as having the rights and obligations of a person. Counties and cities can be treated as a person in the same manner as a corporation. However, corporations, counties and cities cannot have the emotions of humans such as malice, and therefore are not liable for punitive damages.

Suspected Person

A suspect is a person who is believed to be guilty of a crime. If you leave the scene of a murder with blood on your hands and a weapon in your pocket, you're likely to become a prime suspect. If others believe you have committed a crime, you are a suspect. Accused Person

Accused is an adjective that means charged with a crime or other offense. Accused is also used as a noun to refer to a person or people who have been charged with a crime, often as the accused. To accuse someone of something means to say that they are guilty of it.

Convicted person

of conviction. 1 : the act or process of finding a person guilty of a crime especially in a court of law. 2a : a strong persuasion or belief. b : the state of being convinced. 3a : the act of convincing a person of error or of compelling the admission of a truth. Acquittal

The legal and formal certification of the innocence of a person who has been charged with a crime.

Public Prosecutor

Section 2(u) of the Code of Criminal Procedure defines Public Prosecutor.

“A person who is appointed under Section 24 of Cr PC and it also includes any person who is acting under the directions of Public Prosecutor.”

In the case of Babu vs State of Kerala,

The Court observed that Public Prosecutors are ministers of justice who is duty bound to assist the judge in the administration of justice.

MCQ

1. Public prosecutor is :-

- a. One who represents the interests of state
- b. One who investigate crime
- c. Both (a) & (b)
- d. None of these

2. What is the role of Judge?

- a. Decide whether accused person is guilty or innocent
- b. May send the person to jail
- c. May impose a fine or both
- d. All of these

3. What is a fair trial?

- a. The trial in the absence of accused
- b. The trial in the presence of accused
- c. Judge should not be there for judgment

d. All of these

4. What is the best way to chose judges?

a. Nominating by legislature

b. by Executive

c. By political parties

d. By people

5.The chief justice get retired at the age of :-

a. 56 years

b. 40 years

c. 58 years

d. 75 years