



FACULTY OF JURIDICAL SCIENCES

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SUBJECT NAME- LAW OF CRIMES

COURSE NAME- LLB, Ist Sem

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LECTURE-19

The General Exceptions are divided into 2 categories:

- Excusable Acts
- Judicially Justifiable Acts

Excusable Acts	Justifiable Act
A mistake of Fact under section 76 and 79.	An act of Judge and Act performed in pursuance of an order under Section 77 and 78.
Accident under Section 80.	The necessity under 81.
Infancy – Section 82 and 83.	Consent under Section 87 – 89 and Section 90 and 92.
Insanity – Section 84.	Communication under Section 93.
Intoxication – Section 85 and 86.	Duress under Section 94.
	Trifles under Section 95.
	Private Defence under Section 96 – 106.

Excusable Acts

An Excusable Act is the one in which though the person had caused harm, yet that person should be excused because he cannot be blamed for the act. For example, if a person of unsound mind commits a crime, he cannot be held responsible for that because he was not having mens rea. Same goes for involuntary intoxication, insanity, infancy or honest mistake of fact.

I. A mistake of Fact under Section 76 and 79

Under Section 76: Act done by a person bound or by mistake of fact believing, himself to be bound by law in included. Nothing is an offence which is done by a person who is or by reason of a mistake of fact, not by mistake of law in good faith believes himself, to be, bound by law to do such act. It is derived from the legal maxim “*ignorantia facti doth excusat, ignorantia juris non excusat*”.

- Example: If a soldier firing on a mob by the order of his officer in conformity through the command of the law, then he will not be liable.

Under Section 79: Act done by a person justified or by mistake of fact believing, himself justified, by law is included. Nothing is an offence which is done by any person who is justified by law, or who by reason of mistake of fact and not mistake of law in good faith, believes himself to be justified by law, in doing that particular act

- Example: A thought Z to be a murderer and in good faith and justified by law, seizes Z to present him before authority. A has not committed any offence.

Case law for Section 79

In *Kiran Bedi v. Committee of Inquiry*, petitioner refused to be deposed at the beginning of the inquiry as she believed that she could be deposed only at the end of the inquiry.

MCQs-

i. A intentionally fired a shot from his pistol at 'B' but it hit 'C' and 'C' died. The offence committed by 'A' is-

- (A) Attempt to murder
- (B) Culpable homicide
- (C) Murder under Section 300
- (D) Murder under Section 301

ii. Common intention means-

- (A) Similar intention
- (B) Same intention
- (C) Sharing of intention by all persons
- (D) Common plans

iii. In which of the following cases the right of private defence of body does not extend to causing of death?

- (A) Assault with the intention of committing kidnapping
- (B) Assault with the intention of gratifying unnatural lust
- (C) Wrongful restraint
- (D) Assault with the intention of committing abduction

iv. A beat his wife. She fell down and became unconscious. Believing her to be dead and to save himself from being arrested for murder 'A' hanged her in the fan with rope. Postmortem report disclosed her death from hanging. 'A' is liable for—

- (A) Murder
- (B) Culpable homicide
- (C) Hurt
- (D) Grievous hurt

v. The word 'good faith' is defined in the Indian Penal Code in—

- (A) Section 44
- (B) Section 51
- (C) Section 52
- (D) Section 52-A