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## **LECTURE -34**

## **[I] Culpable Homicide And Murder**

Human beings had killed even before history started being recorded for us to see. Today, killing another person is one of the gravest offenses known, with the exception of sedition and treason. The crime is known as homicide *i.e.*, the killing of another human. Culpable homicide and murder are two terms commonly used to define this crime. The differences between these two terms are small but important to the legal system while dispensing justice to the victims of these grave crimes. Homicides can also be justified homicides. As with any other crime, murder is a crime against a person as well as the society as a whole. It disturbs the peace and might cause panic and hysteria amongst the public, especially when a serial killer is thought to be at loose.

The simplest way to put the differences between culpable homicide and murder is that all crimes of murder are within the scope of culpable homicide, but not all culpable homicides amount to murder. Murder is the more serious of the two offences and carries a lengthier sentence in almost all countries.

### *Section 299 of the Indian Penal Code*

This section defines culpable homicide as ‘whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.’

### *Section 300 of the Indian Penal Code*

This section defines murder as ‘culpable homicide is murder, if it satisfies any or all of these following conditions:-

1. The act by which the death is caused is done with the intention of causing death, or
2. If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused. or-
3. If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or-
4. If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.’

The differences are subtle. In Culpable homicide, there is a definite Mens rea, a malicious intention to kill the victim, and the victim dies, but the person committing the homicide cannot be certain of death, but he/she hopes for it. It is complex to prove this in court, and judgments may run askew depending on the subjectivity of the case.

In Murder, however, there is again, a definite Mens Rea, a malicious intention to kill the victim, and the victim dies, but the person committing the homicide is certain of death, and may even go out of his way to ensure it. (Example: – “A” goes to “B” with the intention of severely scaring & hurting him; In the ensuing scuffle, “A” punches “B” in the abdomen and “B” dies as a result. “A” could not have been certain that “B” would die; this is chargeable under Culpable Homicide, not amounting to murder. However, if “A” had gone to “B’s” house, and forced “B” to consume poison or cyanide, “A” has gone to extreme and thorough measures to ensure “B’s” death, and the crime is chargeable under the crime of Murder.)

Murders usually involve more premeditated action than culpable homicides, and some culpable Homicides may not be completely intentional (Example: – In Salman Khan’s drunk driving case, he had no intention to kill, however, he was undertaking an activity he knew would be dangerous to himself and everyone else around him when he made the decision to drive while under the influence of alcohol. He was charged with causing death by a rash and negligent act – not amounting to murder.) A defendant may argue that he/she took precautions not to kill the victim, but merely injure or hurt, if faced with a charge of murder, to reduce the charge to that of culpable homicide, which carries a lower sentence.

The United States has a good system of classification for murder. Aggravated or highly brutal murders are treated as first-degree murders (With a punishment of life in prison or death), while “normal” murders are charged as second-degree murder (a sentence of up to life in prison). They also refer to culpable homicide as manslaughter, and involuntary manslaughter may be committed when a person has no intent to kill, but his/her actions were a danger to everyone around, and death occurs (Example: – Waving a loaded gun, and accidentally firing a bullet.) (Involuntary manslaughter carries a sentence of up to eight years). Voluntary manslaughter or third-degree murder is a murder done in the heat of the moment; with no premeditation or planning (They carry a punishment of up to fifteen years).

Homicide can also be justified. Most countries allow for self defense, although some countries place higher restrictions on their citizens, to prevent misuse of this privilege. The United States has a “castle doctrine”. The castle doctrine states that a person may use force, up to deadly force, to defend themselves against any intruder, if they are in a place they are legally entitled to be, and are protected from prosecution for such acts. This is most commonly seen when potential housebreakers or thieves are killed by the homeowners. India has a similar law but stipulates that a person may only use force proportional to the force being used against him, and only in situations where there is a fear of grievous injury or death.

### **Culpable Homicide under Indian Penal Code**

Homicide is a term which originates from the Latin term ‘*Homo*’ means human and ‘*caedere*’ means killing. The act of homicide is an act that has been a part of human life since day 1. Early men used to kill

each other for food or creating dominance, the kings used to perform homicide to win territories and now people kill each other in the sway of jealousy, greed, etc.

Homicide is one of the most grievous act a person can commit as it is the highest order of bodily injury inflicted on a human being hence that's why regulations regarding Homicide are really grave, for instance, culprits are usually sentenced to life imprisonment or the death penalty as these are the most extreme punishments given by the judiciary.

In India homicide is divided into two forms- Culpable Homicide (Section 299 of the Indian Penal Code) and Culpable Homicide amounting to murder (Section 300 of the Indian Penal Code). Both of these have a very minimal difference but these differences prove to be very crucial for the legal system as the delivery of a fair judgment is dependent on these differences.

In this article, we'll be discussing the third type of Unlawful Homicide, 'Culpable Homicide'. What is culpable homicide, what are the ingredients, difference between culpable homicide and murder, punishment regarding it and certain landmark cases to prove our contentions?

### Lawful and Unlawful Homicide

A culprit in a case of Homicide cannot always be culpable. This derives the notion of lawful homicide where the accused had a valid reason to commit the crime. In these cases, the person will not tend to be tried by the law and can also be exempted from the charges.

These can include death caused in self-defence or by mistake of fact or there was a bonafide execution of the law etc. Hence Homicide can be lawful as well as unlawful. Lawful Homicide may include justifiable and excusable homicide. Unlawful Homicide may include death by rash and negligent act (Sec 304-A), suicide (Sec 309) or culpable homicide.

### **Culpable Homicide**

As mentioned before culpable homicide is a type of unlawful homicide. Laws regarding culpable homicide are enshrined in the Indian Penal Code 1862 (IPC). According to which, there are two types of culpable homicides-

#### ***Culpable Homicide not amounting to Murder (Section 299 IPC)***

It can be simply referred to as culpable homicide, this comes under the purview of Section 299 of The Indian Penal Code 1862 which states that:

An act done with the intention of causing death or causing such bodily injury which is likely to cause death or having the knowledge that he can likely by his act cause death, he'll be committing the offense of culpable homicide.

### Conditions

After bifurcating the definition, we get 3 conditions which have to be fulfilled to attract Section 299 of the Indian Penal Code these are-

1. *The intention of causing death.*
2. *The intention of causing such bodily injury as is **likely** to cause death.*
3. *With the knowledge that he is **likely** by such an act to cause death.*

### Illustration

- A not knowing that D has a tumour in his brain, hits him hard on the head with a cricket bat, with the intention of causing death or with the knowledge that death is likely to be caused.
- D dies because of the bursting of the tumour.
- A is liable for culpable homicide not amounting to murder.

### Case Law

It was held in the case of *Nara Singh Challan v. State of Orissa (1997)* that Section 299 of the Indian Penal Code is the genus and Section 300 of the Indian Penal Code is the species. Hence, there are no independent sections regarding culpable homicide not amounting to murder it is the part of Section 300 of IPC which defines Murder.

Herein, the court observed that:

“For deciding the proper punishment which is proportionate to the current offense, IPC has divided culpable homicide into three degrees. First is the gravest form which is Murder it is defined under section 300 of IPC, the second is the culpable homicide of the second degree which is punishable under Section 304 part 1 of IPC and Third is the lowest degree of culpable homicide which is punishable under Section 304 part 2 of IPC.”

### Culpable Homicide amounting to Murder

It can be simply referred to as Murder, this comes under the purview of Section 300 of the Indian Penal Code 1862 which states that:

Culpable homicide is murder, if the act is done with the intention of causing death or if it is done with the intention of causing such bodily injury as is likely to cause the death of the person or if the inflicted bodily injury is sufficient enough in the ordinary course of nature to cause death or if there is knowledge involved that the act done is so fatal that in all probability it can cause death or such bodily injury as is likely to cause death and commits such act without any excuse.

### Conditions

After bifurcating the definition, we get 4 conditions which have to be fulfilled to attract Section 300 of the Indian Penal Code these are-

1. *The intention of causing death.*
2. *The intention of causing such bodily injury as the offender **knows** to be likely to cause the death of the person to whom the harm is caused.*
3. *With the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is **sufficient in the ordinary course of nature** to cause death.*
4. *The person committing the act **knows** that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.*

### Illustration

- X knows that Z has a tumour in his brain and he hits him again and again with a bat on his head with the intention of causing death, and
- Z dies subsequently.
- X is liable for Murder.

### Exceptions to Section 300 of the Indian Penal Code 1862

Culpable homicide amounts to murder when the act is done with the intention of causing death but in the cases mentioned below this principle doesn't apply. The following acts can amount to culpable homicide not amounting to murder. Exceptions 1-5 in the (d) and (f) illustrations of section 300 of the IPC define conditions when culpable homicide is not amounting to murder, these are as follows-

- *It is not culpable homicide amounting to murder if it is committed by a person who gets deprived of the power of self-control and causes the death of someone because of a grave and sudden provocation.*
- It is not culpable homicide amounting to murder when the offender causes the death of someone while exercises his right of private defense of person and property in good faith
- It is not culpable homicide amounting to murder if a public servant causes someone's death while performing his duties and in good faith and he believes that his acts were lawful.

- It is not culpable homicide amounting to murder if a person causes the death of someone commits it in a sudden fight in the heat of passion upon a sudden quarrel
- It is not culpable homicide amounting to murder when a person suffers death with his own consent when he is above 18 years of age.

### **Essential Ingredients**

#### Culpable Homicide not amounting to Murder

According to the definition provided under Section 299 of the Indian Penal Code, there are majorly 3 essential ingredients to prove that the person is liable for culpable homicide not amounting to murder. These are-

1. *The intention of causing death.*
2. *The intention of causing such bodily injury as is **likely** to cause death.*
3. *With the knowledge that he is **likely** by such an act to cause death.*

#### Culpable Homicide amounting to Murder

According to the definition provided under Section 300 of the Indian Penal Code, there are majorly 4 essential ingredients to prove that the person is liable for culpable homicide amounting to murder. These are-

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2. *The intention of causing such bodily injury as the offender **knows** to be likely to cause the death of the person to whom the harm is caused.*
3. *With the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is **sufficient in the ordinary course of nature** to cause death.*
4. *The person committing the act **knows** that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.*

### **Culpable homicide by causing the death of a person other than the person whose death was intended**

The notion of ‘culpable homicide by causing the death of a person other than the person whose death was intended’ is enshrined in Section 301 of the Indian Penal Code which states that:



A person commits culpable homicide when he causes the death of another person while trying to kill the other person. Here the intention of the person who killed or grievously hurt any other person whom he didn't want to kill or hurt is not considered.

#### Illustration

- Let's consider, there was Mr A who was angry with Mr B as he took over his business.
- He plans to kill Mr B. In order to achieve that he Buys a gun.
- He spots Mr B on the street. He takes out his gun and shoots Mr B.
- Accidentally the bullet deflects because of a pole and eventually kills Mr C.
- Now according to the law, Mr A has committed culpable homicide.

It is also regarded as the principle of transferred intent or transferred knowledge or doctrine of the transfer of malice.

Through the perspective of Sec 299 and Sec 300 IPC

The law didn't make any distinction between the cases where the person died whether his death was intentional and unintentional. According to Section 299 and Section 300 of the Indian Penal Code, there is nowhere mentioned that the intention to cause injury or death of someone or knowing the consequences of the act is with respect to a particular person only. Hence, a person who has shot someone intentionally but accidentally the bullet changes its direction killing another person, the person who fired the shot is equally liable for the death of the other person as he would have been for the person he intended to shoot.

#### Case Laws

This is not a new piece of legislation, it dates back to the British era. In the case of R. v Latimer (1886) a person got into a fight and in course of the fight, to beat the man he took out his belt and struck the belt but it rebounded and hit a lady, she was grievously injured. The court held,

The defendant is to be held liable for the injuries inflicted on the woman ignoring the fact that he had no intention to harm her. The *mens rea* has transferred to the woman from the man he was going to hit with his belt.

This piece of legislation is so confusing that some courts tend to forget that this type of law even exists, it is evident from the case of Rajbir Singh v. State of U.P.

Herein the Supreme Court came thrashing on the Allahabad High Court for not considering Section 301 of the Indian Penal Code in the present case.

In this case, a girl died of a bullet which was fired on another person. The High Court stated in its decision that there was mistake involved and there was no intention of the accused to kill the girl.

The supreme court held that the intention of the accused should be ignored in the present case. The court also held that the Allahabad High Court's reasoning behind stating the act as an accident is not to be sustained as their reasoning was erroneous. Ultimately he was held liable for his actions.

## **Punishment**

As we know there are two types of culpable homicide according to the Indian Penal Code 1862. Culpable homicide not amounting to murder (Section 299 IPC) and culpable homicide amounting to murder (Section 300 IPC). Hence there are two different provisions regarding the punishment for both the offences mentioned in the Indian Penal Code.

### Section 304 of IPC

Section 304 of the Indian Penal Code provides punishment for culpable homicide not amounting to murder (Section 299 IPC), it states that whoever causes death with intention or causes such bodily injury as is likely to cause death or with the knowledge that death is likely to be caused because of the act, shall be liable for life imprisonment or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine (Section 304(1) IPC).

Secondly, whoever causes death without the intention of causing death or such bodily injury as is likely to cause death or doesn't have the knowledge that his act could cause death shall be sentenced to imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine (Section 304(2) IPC).

If the act which causes death is done without the intention of causing death but with the knowledge that death is likely to be caused by such act, the person shall be sentenced to imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

### Case Law

In the case of *Shanmugam v. State of T.N.*, it was held that offences under Section 304 can be considered as cognizable, non-bailable and triable by the Court of Sessions. In this, there arose a quarrel between the accused and the deceased. In course of the quarrel the accused stabbed the deceased with a spear in the abdomen and the chest resulting in the death of the victim because of septicemia. The accused was sentenced to life imprisonment under part I of Section 304 of IPC.

If we see in this case that Exception 4 under Section 300 applies here. Hence, it would come under Section 299 of the IPC. Part 1 of Section 304 was attracted because it was clear from the facts that there was a clear intention to cause death or cause such bodily injury which is likely to cause death.

### Section 302 of IPC

Section 302 of the Indian Penal Code provides punishment for murder or culpable homicide amounting to murder (as stated in Section 300 of IPC), it states that whoever commits murder shall be liable for life imprisonment or death penalty and he shall also be liable for a fine too.

Death penalty under Section 302

However, death penalty can only be given in rarest of the rare case this was held in the case of Bachan Singh v. State of Punjab wherein it was observed that when the court can avail the recourse of life imprisonment then why the court has to go for such an inhumane punishment like death penalty. The Indian Judiciary has defined certain conditions in which death penalty could be used as a recourse these were laid down in the Machhi Singh And Others v. State Of Punjab which are as follows:

1. When the murder committed is extremely brutal, ridiculous, diabolical, revolting, or reprehensible manner which awakens intense and extreme indignation of the community. For instance, setting someone's house on fire with the intention to burn them alive;
2. The magnitude of the crime is at a large scale which means causing multiple deaths;
3. When death is caused because of the caste and creed of the person;
4. When the motives of the accused were cruelty or total depravity; and
5. When the murder victim is an innocent child, a helpless woman or person (due to old age or infirmity), a public figure, etc.

But it is still subjective to determine what is rarest of the rare and what is not. Hence it leaves an ambiguity that in what cases can the death penalty be applied and with recent developments in the Mukesh & Anr vs State For Nct Of Delhi & Ors (Nirbhaya case) where all the accused were sentenced to death penalty, made this topic the epicenter of several heated debates across the country, the major question raised is that like other countries why can't India sort to abolish the death penalty when there is a recourse like life imprisonment present with the judiciary.

## **Illustrations**

Section 299 IPC (Culpable Homicide not amounting to Murder)

- A, dig a deep pit and cover it with grass and clay, with the intention of causing death or with the knowledge that death is likely to be caused. B thinking it as a hard ground tries to stand on it and dies. A is liable of Culpable Homicide not amounting to Murder.
- A paid a truck driver to slam his truck on the car of C, he did it with the intention of causing death or with the knowledge that death is likely to be caused. C went to the market to buy groceries. The truck crashes with his car, C dies. A is liable of Culpable Homicide not amounting to Murder.
- A not knowing that D has a tumour in his brain, hits him hard on the head with a cricket bat, with the intention of causing death or with the knowledge that death is likely to be caused. D

dies because of the bursting of the tumour. A is liable of Culpable Homicide not amounting to Murder.

#### Section 300 IPC (Culpable Homicide amounting to Murder)

- X shoots Z with a shotgun on the point-blank range with intention to cause death, and Z dies subsequently. X is liable of Murder.
- X knows that Z has a tumour in his brain and he hits him again and again with a bat on his head with the intention of causing death, and Z dies subsequently. X is liable for Murder.
- X starts firing a machine gun in a crowded mall with an intention of causing death, and subsequently killing 10 people. X is liable for Murder

#### Exceptions of Section 300 IPC

1. X on coming home finds that his wife is sleeping with A. He causes the death of A by stabbing him with a knife under **grave and sudden provocation**. X Is not liable under Section 300 of IPC.
2. X was attacked by thugs who had guns with them, X in **private defence** kills all the thugs with his licensed gun. X is not liable under Section 300 Of IPC.
3. X is a Police Officer, one day when he was on **duty**, he saw some robbers entering a house with weapons, X encounters the robbers and kills them assuming that they would harm the residents of the neighbourhood. X is not liable under Section 300 of IPC.
4. X and Y had a dirty fight, X in a **fit of rage** punches Y so hard on the stomach that Y starts bleeding internally and dies. X is not liable under section 300 of IPC.
5. A who's an adult instigates B to jump from a ten-story building, B being under 18 and not being able to comprehend what A was up to does the same and Dies, here A is liable for Abetted Murder

#### Section 302 IPC

- A with the intention of killing B shoots at him but the bullet deflects because of bad aim and kills C. A is liable of culpable homicide under article 301 of IPC.
- A was driving his car, under the influence of alcohol he was driving at a speed of 150 kmph, he loses control and ramps the car on a footpath killing almost everyone sleeping there. A is liable for culpable homicide under article 301 of IPC.

#### Major differences between culpable homicide and murder

“All murders are culpable homicide but not all culpable homicides are murders” this is a very common phrase used to establish a difference between culpable homicide and murder. It talks about the point which I've already proved before that culpable homicide is the **genus** and murder is the **species**. The major difference between them is that murder is a more aggravated form of culpable homicide. In murder

there is no presence of ambiguity that the act may or may not kill as it is present in culpable homicide, looking at Section 299 of the Indian Penal Code where there is clearly mentioned that:

“Act done with the intention of causing death or causing such bodily injury which is LIKELY to cause death or having the knowledge that he can LIKELY by his act can cause death, he’ll be committing the offense of culpable homicide”.

If you notice the multiple occurrences of the term “LIKELY” showcases that there is an element of ambiguity that the act of the accused may or may not kill the person, is present. Whereas, in the case of murder which is defined under Section 300 of the Indian Penal Code there is no such mention of words as “likely” which shows that there is no chance of ambiguity left on behalf of the accused, the accused is for sure that his act will defiantly cause death.

As mentioned by Sir James Stephen, it is extremely difficult to distinguish between Culpable Homicide and Murder as the end result of both is death. But there is a presence of difference though little it all boils up to a very subtle distinction of intention and knowledge involved in both the crimes. The actual difference lies in the degree of the act there is a very wide difference of degree of intention and knowledge among both the crimes.

#### Case Law

Through the case of *Reg. v. Govinda*, a clear distinction was drawn between culpable homicide and murder. According to the facts of the case, there was a quarrel between a husband and a wife in a fit of anger the husband knocked the wife. The wife became unconscious and the husband in order to wake the wife punched her with closed palms but unfortunately, the wife died because of internal bleeding in her brain. Herein, **Melvil, J**, held that the man was liable under Section 299 of IPC because clearly there was no intention to cause death and the act was not grave enough to cause death on the spot.

#### **Most Intriguing Judgments Regarding Culpable Homicide**

Some land-mark judgments regarding culpable homicide are, as follows:

##### *Bhagwan Singh v. State of Uttarakhand*

The decision regarding this case was given recently but the case dates back to 2007. Herein, 5 people were hurt and 2 of them succumbed to their injuries because of celebratory gunfire. The furious bench of the Supreme Court consisting C.J.I S.A. Bobde, BR Gavai and Surya Kant, JJ said:

There is a rise in the incidents because of celebratory firing as they are seen as a status symbol. A licensed gun that is to be used for protection should not be used in celebratory events as it can turn to be very fatal.

According to the evidence collected the accused held the gun towards the roof of the house unfortunately the bullets got deflected and injured. The accused pleaded not guilty as he had no intention to cause anyone's death. The court noticed that the accused was carrying a loaded gun in public and he did not take proper care of his surroundings. He must've had an idea that the pellets could deflect and hurt someone.

The court held him guilty. The offense amounted to culpable homicide under Section 299 of IPC, punishable under Section 304 Part 2 of the IPC.

Ram Kumar v. State of Chhattisgarh

In this case, the appellant falls so madly in love with his sister-in-law that one day before her marriage he called her in a field and hit her head with an axe. The girl went running towards her house and then went to the police office to file an FIR. After that she was taken to the hospital but she died on the way. The court tried to dwell on the legal nature of the FIR as to whether the same was admissible as evidence of dying declaration.

The court relied on Dharam Pal v. State of U.P. observed that an FIR can be considered as a dying declaration if the victim dies before appearing in front of the court.

The appellant, in this case, was punished by the District Court under section 302 of the Indian Penal Code (punishment for murder) but the accused filed a criminal appeal in the High Court against the judgment of the District Court, herein the court, after looking at the post mortem report which showed that if the girl would've reached the hospital early she could have been saved, he altered the conviction of the appellant and sentenced him under section 304 part I Indian Penal Code (Culpable Homicide not amounting to Murder).

Minister of Justice and Correctional Services v. Estate Stransham-Ford

It's a South African case wherein a patient suffering from cancer went to the court to seek court permission to let the medical practitioner end his life and end his suffering. He was seeking it as his right enshrined in the Bill of Rights under the South African Constitution and also asked that the medical practitioner should not be charged with culpable homicide, the applicant was allowed by the court to let the medical practitioner go for assisted euthanasia. But unfortunately, he died 2 hours after the judgment. The High Court stated that it is not considered in common use, until and unless the state allows the individual.

## **Conclusion**

In this article, we discussed what is culpable homicide. It means causing the death of someone by an act so fatal which can likely cause death. According to the Indian Penal Code, there are two types of culpable

homicide. Culpable homicide not amounting to murder. (Sec 299 IPC), Culpable homicide amounting to murder. (Sec 300 IPC).

We discussed that punishment regarding culpable homicide is mentioned under Section 302 and Section 304 of the Indian Penal Code.

Punishment for culpable homicide amounting to murder (Sec 300) is given under Section 302 which is either death penalty or life imprisonment as well as fine. Punishment for culpable homicide not amounting to murder (Sec 299) is given under Section 304 which is either imprisonment for 10 years or fine or both. It can extend to life imprisonment if there was intention present.

There is one interesting section as well in the act which talks about a person killing another person by mistake while he was trying to kill another person, it is Section 301 of IPC. We learned about some very interesting cases regarding Culpable homicide, through the case of Bhagwan Singh we got to know about regulations regarding celebratory firing, we got to know the international status of validity of euthanasia through the South African Case of Minister Justice.

### **Murder under Indian Penal Code**

Section 299 and Section 300 of Indian Penal Code deal with murder. All murders are culpable homicides but all culpable homicides are not murders. Culpable Homicide is genus and murder is its species, thus, murder is a culpable homicide but all culpable homicide are not murder.

The word homicide is derived from Latin where homo means man while the meaning of cide is I cut. Thus, the killing of a man by a man is the meaning of homicide. Culpable homicide is punishable by law. Homicide can be lawful or unlawful. Culpable homicide is further divided into two categories:

- Culpable homicide amounting to murder.
- Culpable homicide not amounting to murder.

### **MCQs-**

i. 'A' under the influence passion excited by a provocation given by Z intentionally kills Y who is child of Z. The offence committed by A is:

- Infanticide
- Manslaughter
- Culpable homicide amounting to murder
- Culpable homicide not amounting to murder

ii. The plea of sudden and grave provocation as an exception of murder is:

- Question of law

- Question of fact
- Mixed question of law and fact
- Presumption under law

iii. Culpable homicide is not murder if done under:

- Intoxication
- Sudden and grave provocation
- Irresistible impulse
- All of the above

iv. X knows Y is suffering from a particular disease in which he can die if given a simple blow. X causes a simple blow to Y with an intention to cause bodily injury. Y dies. X is guilty of:

- Murder
- Culpable homicide not amounting to murder
- Grievous hurt
- Simple hurt

v. X inflicts one spear thrust in the abdominal region of Y which penetrates deep with the result that three coils of intestine come out when he takes out spear. Y dies next day. It is proved in evidence that X did not want to kill Y outright but only intended to cause bodily injury. X is liable:

- Culpable homicide not amounting to murder
- Grievous hurt
- Culpable homicide amounting to murder
- Attempt to murder