

**RMM LAW COLLEGE SAHARSA**

**INDIAN PENAL CODE**

**Ist Part**

**Paper -**

**TOPIC- PROVISIONS AS TO  
ACCUSED PERSONS OF**

**Topic- General Principles of Crime**

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**causation and its mode of the act caused**

**Causation:** Harm is an event and event is the product of plurality of factors. There are several causes of one event. So, it can be reasonably said that the event is caused by one of these factors if it would not have happened without that factor. For example, a man can be said to have caused the actus reus of a crime if that actus would not have occurred without his participation in what was done

- Principles
- Accessories
- Incitement
- Conspirator
- Circumstances where instigator is primarily liable and instigated is guiltless

**Where another person intervened**

- **R v. Lawe:** Engineer deserting his work, leaving the engine in charge of an ignorant boy who declared himself incompetent to handle the engine.

- **R v. Jordan:** A stabbed B, B subsequently died. Medical evidence showed that B died due to Broncho-Pneumonia due to mistaken administration of antibiotics and intravenous injection.

### **Victim's Own Conduct has affected the result**

- **R v. Horsey:** A sets fire to a stack of straw. While the stack was burning, the victim was seen in flames and his body was found in the stack yard. No evidence as to how he came there. A tried to save the deceased.

### **Contributory Negligence**

- **R v. Swindall and Osborne:** Each person driving horse cart on a public road encouraging each other to drive it at dangerous place, killed a pedestrian. It was alleged that deceased is deaf, careless and negligent.

### **Mens Rea**

One of the main characteristic of our legal system is that the individual's liability to punishment for crimes depends, among other things, on certain mental conditions. The liability of conviction of an individual depends not only on his having done some outward acts which the law forbids, but on his having done them in a certain frame of mind or with a certain will. Mens Rea is the mental process of a person. At the time, when he was engaged in the activity which resulted in the deed. It is a legally reprehensible state of mind.

It means a mental state, in which a person deliberately violates a law. Thus, mens rea means intention to do the prohibited act.

### **Development of Mens Rea**

In the earliest time it was the fundamental presumption that a man in every case

intended to do what he has done. The English criminal law began with strict criminal liability, and there was no clear distinction between the Tort and crime.

Therefore the mental attitude of a person was an irrelevant consideration in so far as trial and punishment was concerned.

But later on bodily punishment came as a substitute of the payment of damage then the importance of mens rea or the mental attitude of a person, at the time of

commission of crime was realized. With the passage of time requirement of mens rea as an essential element of a crime has firmly taken in its roots.

### **Mens rea in its root**

Now it is the combination of act (actus reus) and intent mens rea which makes a crime. And the maxim – **Actus non facit reum nisi mens sit rea** means act alone does not make a man guilty unless his intentions were so. It is a well known principle of natural justice. There can be no crime large or small without any evil intent. The responsibility in crimes must depend on the doing of a willed or voluntary act and a particular intent behind that act. Most conscious and voluntary acts are directed towards result or consequence. When one acts to produce a particular consequence he is said to do that act with that intention.

Intention + Act + attempt = Offence