

RMM LAW COLLEGE SAHARSA

INDIAN PENAL CODE

Ist Part

Paper -

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

Topic- General Principles of Crime

Lecture Notes by- BINOD KUMAR JHA

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Blackstone's definition of crime

General Principles of Crime

Nature of a crime

- **Definition:** According to Blackstone's, Crime is defined as a violation of public rights and duties due to the whole community, considered as a community. Blackstone does not intend to suggest that crimes violates no other rights besides public ones, obviously every theft violates some private right of property. It can be expressed more clearly as "A crime is a violation of a right, considered in reference to the evil tendency of such violation as regards the community at large."

Characteristics of a crime

- Harm
- Brought about by Human Conduct
- Sovereign state desires to prevent it
- Measure for prevention includes threat of Punishment

- Special proceedings employed to decide whether the accused has caused the harm and inflicting punishment

The place of Criminal Law in Criminal Science

Three branches of Criminal Science:

- **Criminology:** It deals with the causes of Crime – both Biological and Social
- **Criminal Policy:** Studies the measures to limit the harmful conduct, Takes measures by setting up social organizations to prevent harmful activities and lays down the principles by which harms are classed as crimes and how criminals are to be treated
- **Criminal law:** What conduct is considered as tort and what is Crime, Prescribes the punishment. It is an instrument used to implement the Criminal policy

Principles of criminal liability

The period of Strict Liability

Strict liability crimes are those in which the defendant is held liable for a criminal offense he committed, even if mens rea is absent. Though the defendant did not intend any harm by his actions and was completely unaware that he was committing an illegal act, the **doctrine of strict liability** holds him liable for the criminal offenses committed.

Most cases of strict liability are minor infractions and misdemeanors, not nearly as serious as felonies, but still warranting heavy fines and up to a year in jail. Examples of minor offenses for which violators are held strictly liable are parking violations, speeding unknowingly, selling alcohol to minors and, in some jurisdictions, employing people under the age of fourteen.

Mental Element in Criminal Liability

To constitute a crime and subject the offender to a liability to punishment, i.e., to produce legal criminal “guilt”, a mental as well as a physical element is necessary. Thus, to use a maxim “**Actus non facit reum mens sit rea**“. The act does not make a person guilty unless the mind is also guilty.

It is a well known principle of natural justice meaning no person could be punished in a proceeding of criminal nature unless it can be shown that he had a guilty mind.

Accordingly, every **crime** involves:

1. A particular physical condition – a vicious conduct
2. A particular mental condition – a vicious intention

ACTUS REUS

Actus – A physical result of human conduct and **Reus** – criminal policy that prohibits and seek to prevent its occurrence by imposing penalty for its commission. Thus, Actus Reus means “**such result of human conduct as the law seeks to prevent**”

For example, A repeatedly stabbed B and thereby caused serious injury to his heart and lungs because of this injury B died. A stabbed B with an intention to cause death of B. Here A’s act of repeated stabbing and injuring of B is conduct, the result of such conduct is the death of B