



# **PUNJAB**

**Judicial Services Exam**

**CIVIL JUDGE CADRE**

**Punjab Public Service Commission (PPSC)**

**Paper - 3**

**Criminal Law**



# PUNJAB JUDICIAL SERVICES

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**Indian Evidence Act, 1872**

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# **Indian Penal Code**

# The Indian Penal Code, 1860

## Definition

- \* AR + MR = Offence (Elements of AR and MR must be clear)
  - AR = Actus Reus (Guilty Act)
  - MR = Mens Rea (Guilty Mind)

## Difference

- \* कानूनी भेद

## Punishment

- \* Act no. 45 of 1860.
- \* Came in force on 1 January, 1860.
- \* Assent of Governor General 6 October, 1860.
- \* Divided into 23 chapters and 511 sections.
- \* Father of IPC - Lord Macaulay
- \* Other contributions by:
  - a. Lord Mc. Lord
  - b. Lord Anderson
  - c. Lord Millet

<b>Part A</b>	<b>Part B</b>	<b>Part C</b>
Ch. 1-5A	Ch. 6-15	Ch. 16-23
[1-120B]	[121-298]	[299-511]

## Part A

- \* Ch. 1  
[1-5]  
Preliminary
- \* Ch. 2  
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Explanations
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- \* Ch. 4  
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## Part C

- \* Ch. 16  
Body  
[299-377]
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Property  
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Breach of contract of service  
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Marriage  
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Cruelty  
[498A]

- \* Ch. 21  
Defamation  
[499-502]
- \* Ch. 22  
Intimidation, Insult and Annoyance  
[503-510]
- \* Ch. 23  
Attempt to commit offences  
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## Part B

- \* Ch. 6  
Offences against the state  
[121-130]
  - \* Ch. 7  
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Offence by or related to public servant  
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  - \* Ch. 10  
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False residence and offence against public justice  
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-



- \* Ch. 12  
Offences relating to coin and government stamps  
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[264-267]
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Offences affecting the public health, safety, convenience, decency and morals  
[268-294A]
- \* Ch. 15  
Offences relating to Religion  
[295-298]

**Que.** What are the various theories of punishment of crime?

**Ans.** Retributive [Eye for an eye]  
Expiatory [Penance]  
Deterrent [Fear]  
Preventive [Before offence prevent]  
Reformative [Hate the crime not the offender]

All have their own relevance. In my opinion, [any of the above and then give explanation for that].

- \* Coke "Actus non facit reum nisi mens sit rea"  
[AR + MR = Offence]  
This Latin maximum means offence shall only be constituted when along with guilty act there is also guilty mind.
- \* Actus rea = Any act prohibited by law  
Means rea = Guilty mind
- \* Fowler Vs. Padget  
C.J. Kenyon said, for offence intention and act both must concur.  
This principle is the fundamental principle of criminal liability.  
R Vs. Khandu

### STAGE I

AR = Hit by stick [Not dead]

O = MR = Murder not

AR + MR = O

Murder + Murder = Murder

### STAGE II

MR = Cause disappearance evidence

AR = Murder

**Q. The question was whether seen as a whole or divided in stages?**

\* R Vs Shorty

AR = Greivous hurt

MR = Murder

O = MR = Murder Not

AR = Remove Evidence

**Q. The same question was raised?**

\* In both cases accused got benefit.

\* Mali Vs. R

No benefit was given.

### Conclusion/Inference

- \* It seems in matter of melic, the above cases were not cited.
- \* W/e offences can be divided int stages accused must be given benefit.
- \* Duty of prosecution to prove beyond reasonable doubt.
- \* Judges can be of various nature will not give benefit i.e., where of strict nature will not give benefit but where liberal judge there divide the offence in stages and give benefit.

AR + MR = O [Offence]

AR + MR = O

If MR is O, AR = Offence

AR + MR = O

AR = O

Actus Rea is sufficient

Eg. Sex before 18

Therefore, MR = Offence

Mens Rea is sufficient

Eg. Sec 120 A-B

## Actus Rea

According to Kemy Actus Rea is of six types:

1. No physical participation required
2. Participation is indirect.
3. Interference of another person.
4. Victims own conduct.
5. Contributory negligence.
6. Such participation which was superfluous.

**Q. Whether merely on grounds of Actus Rea, person can be convicted or not? [AR = Offence]**

**Ans.**

- \* W/e there is a strict liability [Sec. 292 of IPC]
- \* Socio economic offence. Eg. Currency note.
- \* W/e offence is Male-in-Se.
- \* W/e matter of public nuisance.
- \* W/e defamation.

## Offence is of two types

1. Male-in-Se - act itself is offence.  
No benefit of mistake of fact.  
Eg. Kidnapping. R Vs. Prince  
[Age of girl below 18, then punishable].
2. Male Prohibita - Act not offence but prohibited by state. There can be mistake of act.

## Mens Rea

In India it is found in 3 manners:

### 1. Positive (+ve)

In IPC, few words are used, i.e., Intention, good faith, negligence, rashness, etc. by which criminal mind is made out negatively.

### 2. Negative (-ve)

In Ch. 4 of IPC, there are general exceptions where no mens rea is considered. Eg. Murder by 4-year infant.

### 3. Strict liability

Act itself is offence, no mens rea is required.

---

**Q. Whether there is any condition, where on bases of mens rea person can be convicted?**

**Ans.** Yes, refer Sec. 120A, B of IPC.

Eg. A and B go to railway station to murder C. But C doesn't appear.

Whether

A and B convicted any offence. Yes. of Criminal conspiracy to commit offence.

**Q. What are the various stages of offence?**

**Ans.** Generally, No Punishment except

Mental stage



Preparation



Attempt



Offence

1. **Mental Stage**: It is primarily shown as mental stage.

It is not punishable except Sec. 120 A/B i.e., Criminal Conspiracy.

2. **Preparations**: Generally, preparations is not punishable under IPC, like following sections,

122: Collecting arms	257:
126: Committing depredations	472:
399: Making preparations to commit dacoity	473:
233:	474:
234:	475:
235:	476:
242:	485:
243:	486:
259:	489C:
266:	489D:
256:	

3. **Attempt:** W/e any person does any act towards offence but expected result don't occur and it becomes unsuccessful then it is called attempt.
- \* This is the last proximate act to commit offence.
  - \* State of Maha. Vs Mohd. Yakub.
  - \* Abhayanand Mishra Vs State of Bihar where false document/false statement then person shall be liable for attempt. Sec. 415, 420/511.
4. **Offence:** When attempt is completed, it becomes offence.

## Attempt

1. Possible attempt:

2. Impossible attempt:

- \* Body person shoot on doll, statue even if hit on statue then also not liable for murder, i.e., W/e matter is offences related to body because it depends on result so person not liable.
- \* Property W/e matter of property there, person shall be liable [pick-pocket-pocket-empty] then also liable because use in matter of property, valuation is not essential.

**Q. A person open box - found nothing- got emotional - left Rs. 100. Is he liable?**

**Sol.** Yes, for attempt.

## Possible attempt

- \* Attempt + Offence in the same sec. Eg. Sec. 124A
  - \* Attempt + Offence in different section but nearly. Eg. 302, 307
  - \* Only attempt is punishable not Offence. Eg. 309.  
Presently no punishment, Person shall be dealt in Sec. 511. Personal mental health act will be applicable.
  - \* W/e there is no punishment, then sec. 511 will apply.
-

## Chapter - 23

### Attempt to commit offences

#### Section 511

- \* W/e any person attempts or causes commission of offence punishable by life imprisonment or imprisonment [Death/fine not included].
- \* Does any act towards commission of offence.
- \* No expressed provision.
- \* Then following LI/2, I/2
  - Fine always taken full.
  - LI = Whole life
- \* W/e there is commutation of offence there 14 yrs [Sec. 55].
- \* W/e LI is to be calculated in fractions.
- \* Therefore, In Section 511, LI/2 = 10yrs.
- \* Koppula Venkat Rao Vs State of AP. In this case, SC Supreme Court had differentiated prepration from attempt.
- \* Vasudev Balwant Gogte Vs Emperor. In this case Section 307 and 511 been differentiated.
- \* Cassidy Vs Emperor  
(Same as the above)

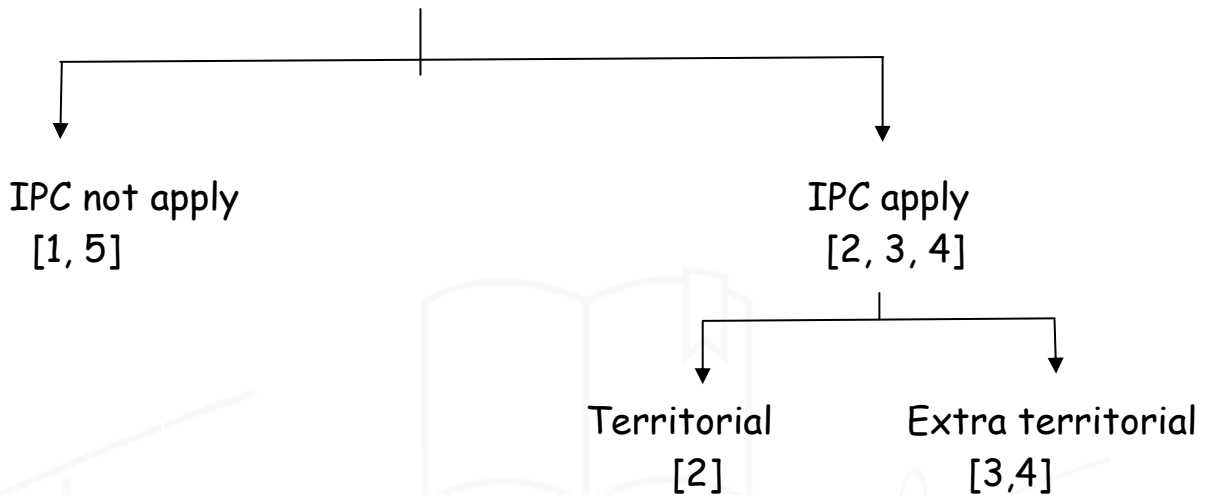
# Chapter - 1

## Preliminary [1-5]

Q. What do you understand by Jurisdiction?

Ans.

Jurisdiction



### Section. 1

Apply to whole India [Previously not applied to J & K but now applicable by J & K reorganization act, 2019].

### Section 5

Not apply on following:

- (a) Not apply on mutiny or desertion of soldiers.
- (b) Any special law or local law.

Chandi Prasad Vs Abdul Rehman. W/e any special law is complete then no jurisdiction of IPC.

### Section. 2

Every person shall be liable for punishment under the code for any act or omission contrary to the provisions shall be guilty within India.

India = Air, land, water

It includes territorial water all rights [12NM] contiguous zone [24NM] Fishing exclusive economic zone [200NM] research.

NM = Nautical miles [1.852Km]

Every person: shall be liable for punishment under the act except,

- |                       |                  |
|-----------------------|------------------|
| (a) President         | (e) Alien Enemy  |
| (b) Governor          | (f) Foreign army |
| (c) Foreign Sovereign | (g) Warship      |
| (d) Ambassador        |                  |

**Q. A foreigner comes to India and commit murder in India, Whether liable?**

**Ans. Yes**

\* Mubarik Ali Vs State of Bombay

One person was commissioered agent, he committed cheating by letters and he was held liable for cheating in India.

\* Mayor Hans George Vs State

A plane was going stopped in India, gold was conphiscated liable in India.

### **Section 3**

Where any person is liable Under Indian law and offence committed out of India/beyond India.

Then act committed as if done within India.

Eg. Grey Chhappal → Dubai → Cheating

### **Section 4**

W/e offence is committed by citizen of India [without/beyond India]

On any ship or aircraft registered in India.

In any computer resource which is located in India done by an outsider.

Mohd. Sajeed Vs State of Kerala

Offence committed beyond India then can be investigated by an Indian police but with permission of Indian Govt [Refer Sec. 188, 189 of IPC and act 20 of constitution].



## Chapter - 2

### General Explanations [6-52A]

- |                            |                  |
|----------------------------|------------------|
| 6- Definition              | 34-              |
| 7- Sense                   | 35- Common       |
| 8- Gender                  | 36- Intention    |
| 9- Number                  | 37-              |
| 10- Men/Women              | 38-              |
| 11- Person                 | 39- Voluntary    |
| 12- Public                 | 40- Offence      |
| 13- XXX                    | 41- Special Law  |
| 14- Govt. Servant          | 42- Local law    |
| 15- XXX                    | 43- Illegal      |
| 16- XXX                    | 44- Injury       |
| 17- Govt.                  | 45- Life         |
| 18- India                  | 46- Death        |
| 19- Judge                  | 47- Animal       |
| 20- Court of justice       | 48- Vessel       |
| 21- Public Servant         | 49- Year [Month] |
| 22- Moveable party         | 50- Section      |
| 23- Gaining wrongfully     | 51- Oath         |
| 24- Dishonesty             | 52- good faith   |
| 25- Fraudelty              | 52A- Harbour     |
| 26- Reason to believe      |                  |
| 27- Possession of propery  |                  |
| 28- Counterfeit            |                  |
| 29- Document               |                  |
| 29A- Election record       |                  |
| 30- Valuable security      |                  |
| 31- Will                   |                  |
| 32- A/O → Act of Ommission |                  |
| 33- A/O                    |                  |

## Section 19

- \* Judge is a person who is officially designated as a Judge (RJS).  
Such person who is empowered by law in criminal or civil proceedings.
  - (a) Give definite Judgement
  - (b) If not appeal then final judgement
  - (c) If confirmed then definitive
- \* It can comprise of one person or body of person [Consumer forum].
- \* Kishan Swaroop Vs Bijender Singh  
Sarpanch is also a Judge.

## Section 20

When a Judge who is empowered by law to act judicially.  
Is acting judicially  
It includes body of person also.

**Q. What do you understand by public servant?**

**Ans.** Section. 21:

- (a) XXXXXX
- (b) Commissioned officer of armed forces
- (c) Judge
- (d) Officers of Court i.e. liquidator, receiver, commissioner.
- (e) Juryman assessor, member of Panchayat
- (f) Arbitrator
- (g) Every man can confine the person [Jailor]
- (h) Every person whose duty to prevent offence, protect health Safety
- (i) Such person whose duty is to survey and assess
- (j) Whose duty to collect tax
- (k) Whose duty to conduct election
- (l) Every person who is in survive or pay of govt. and receive fees  
or commission. Every person who is with legal authority or account to  
state or central.
- (m) Rajasthan amendment