

A hand with silver handcuffs is shown from the wrist down, with the index finger pointing towards the title text. The handcuffs are attached to a chain.

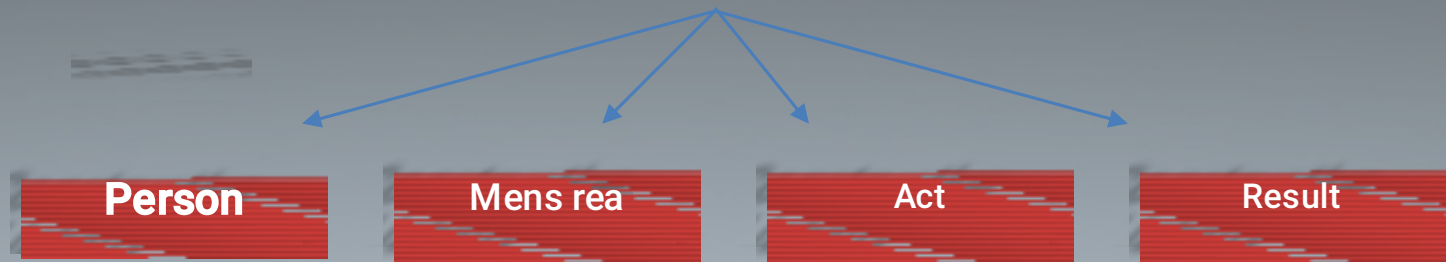
AN OVERVIEW OF INDIAN PENAL CODE-1860

Crime and its Elements:

Crime :

- ❖ An act punishable by law as forbidden by statute is known as a crime.
- ❖ A commission or omission which is baneful to the society is a crime.
- ❖ According to Blackstone, a crime is an act done in violation of Public Law.

Crime:

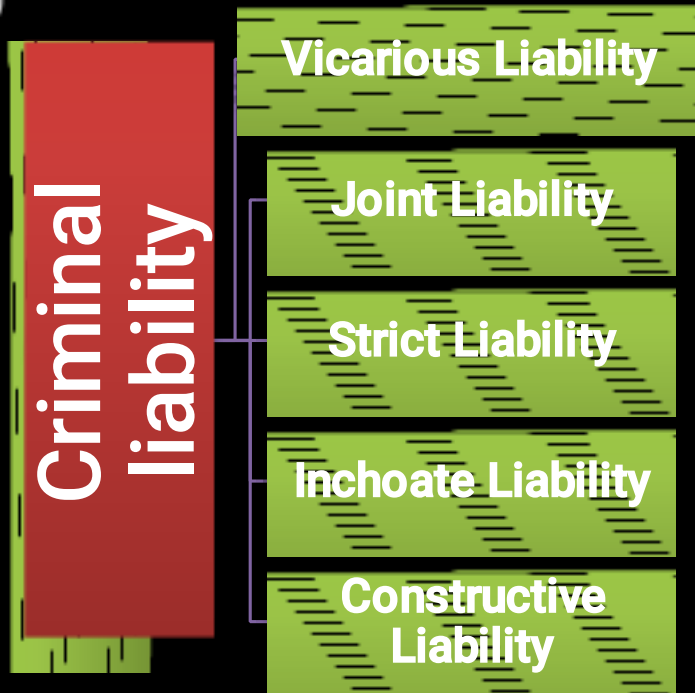


Motive is not an essential for a crime.

EXCEPTIONS / CRIMINAL LIABILITY

CRIME = Person + Mens rea + Act + Result.

Some offences have not all these four essentials. It is explained in connection with the concept of Criminal Liability as.....



= M + A + R (a person is liable for criminal acts of others)

= (P1 + P2) + M + A + R (a person is liable for criminal acts with other persons jointly)

- **Section 34** – Acts done by several persons in furtherance of common intention
- **Section 120B** – Punishment of criminal conspiracy
- **Section 149** – Every member of unlawful assembly guilty of offence committed in prosecution of common object
- **Section 395** – Punishment for dacoity
- **Section 402** – Assembling for purpose of committing dacoity



Criminal liability

Vicarious Liability

Joint Liability

Strict Liability

= **P + A + R** (a person is liable for criminal acts even though there is no mens-rea)

**Inchoate
Liability**

**Constructive
Liability**

- **Section 494 – Bigamy**
- **Section 268 – Public Nuisance**
- **Section 363 – Punishment for kidnapping**
- **Section 362 – Abduction**
- **Chapter–10: Contempt of Lawful Authority of Public servants.**
- **Section 376 – Committing rape of a girl (below 16 years of age) with her consent.**



Criminal liability

Vicarious Liability

Joint Liability

Strict Liability

Inchoate Liability

Constructive Liability

= P + M (no act and no result)

= P + M + A (no intended result)

All Attempts

Abetments (Sec-107-120)

Criminal Conspiracy

= **P + M** (no act and no result)

- ❖ Section 399 – Making preparation to commit dacoity
- ❖ Section 400 – Punishment for belonging to a gang of dacoits
- ❖ Section 401 – Punishment for belonging to a gang of thieves
- ❖ Section 402 – Assembling for purpose of committing dacoity

Criminal liability

Vicarious Liability

Joint Liability

Strict Liability

Inchoate
Liability

Constructive
Liability

= P + M + R (no act by the person, but he does the criminal act through person(s))

- **Section 34** – Acts done by several persons in furtherance of common intention
- **Section 109** – Punishment of abetment and all abetments in IPC
- **Section 149** – Every member of unlawful assembly guilty of offence committed in prosecution of common object
- **Section 396 & 460**

STAGES OF CRIME

Commission of a crime involves **FOUR** stages:

I. Offences in which **INTENTION** is punishable

- ☐ Abetments, Criminal Conspiracy
- ☐ Sections 121 to 123: Waging War against the Govt.
- ☐ Section 124: Sedition
- ☐ Section 402: Mere assembly of persons for committing the dacoity without further preparation

II. Offences in which **PREPARATION** is punishable

- ☐ Section 122: Collecting arms, etc., with intention of waging war against the Government of India
- ☐ Section 126: Committing depredation on territories of Power at peace with the Government of India
- ☐ Section 399: Making preparation to commit dacoity
- ☐ Section 276: Sale of drug as a different drug or preparation
- ☐ Sections 233 to 235 & 257: Preparation for counterfeiting coins & Govt. stamps
- ☐ Sections 242, 243, 259, 266 & 474: Possessing counterfeit coins, false weight or measurement and forged documents

STAGE-I:
Intention

STAGE-II:
Preparation

STAGE-III:
Attempt

STAGE-IV:
Accomplishment



III. Offences in which **ATTEMPT** is punishable

Section	Offence
Section 307	▪ Attempt to murder
Section 308	▪ Attempt to commit culpable homicide
Section 309	▪ Attempt to commit suicide
Section 326B	▪ Attempt to Acid Attack
Section 393	▪ Attempt to commit robbery
Section 398	▪ Attempt to commit robbery or dacoity when armed with deadly weapon
Section 511	▪ Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment

IV. Offences in which **ACCOMPLISHMENT** is punishable

- ❑ All offences except those specified under List–I, II, and III.

THE BASIC STRUCTURE OF INDIAN PENAL CODE – 1860

INTRODUCTORY PROVISIONS Chapter-1,2 & 3

Chapter 1 introduction sec 1 to 5

Chapter-2: General Explanations
Sec-6-52A

Chapter-3: Punishments
Sec-53-75

GENERAL EXCEPTIONS Chapter-4 Sec-76-106

PENAL PROVISIONS OF OFFENCES Chapter-5-23 Sec-107-511

Incomplete offence
Chapter-5, 5A & 23;
Sec 122,126,399 & 511

Complete offence
chapter-6 to 22
sec 121 to 510

**Against state/govt/
public etc**
Chapter 6 to 15
Sec 121 to 298

Against private person
Chapter-16 to 23
Sec-299 to 511

Chapter-6: Offences against the State

Chapter-7: Offences relating to Army, Navy & Air Force

Chapter-8: Offences against Public Tranquility

Chapter-9: Offences by/related to Public Servants

Chapter-9A: Offences relating to Elections

Chapter-10: Contempt of Lawful Authority of Public servants

Chapter-11: False Evidence & Offences against Public Justice

Chapter-12: Offences relating to Coin & Govt. Stamps

Chapter-13: Offences relating to Weights & Measures

Chapter-14: Offences relating to PHealth, Safety, Convenience, Decency, Morals

Chapter-15: Offences relating to Religion

Chapter-16: Offences affecting the Human Body

Chapter-17: Offences against Property

Chapter-18: Offences relating to Documents & Property

Chapter-19: Criminal Breach of Contracts of Service

Chapter-9A: Offences relating to Elections

Chapter-20: Offences relating to Marriage

Chapter-20A: Cruelty by Husband or Relatives of Husband

Chapter-21: Defamation

Chapter-22: Criminal Intimidation, Insult and Annoyance

Chapter-23: Attempts to Commit Offences

AGE OF THE CRIMINAL/DECEASED FOR DIFFERENT OFFENCES UNDER IPC-1860

Section	Description	AGE (OFFENDER/VICTIM/ DECEASED)
82	Act of child under 7 years of his age.	< 7 year (O)
83	Act of a child above seven and under twelve of immature understanding	>7 years but < 12 years (O)
87	Act not intended and not known to be likely to cause death or grievous hurt, done by consent.	Above 18 years (D)
89	Act done in good faith for benefit of child, by or by consent of guardian	< 12 years (D)
293	Sale, etc., of obscene objects to young person	< 20 years
305	Abetment of suicide of child or insane person	< 18 years
317	Exposure and abandonment of child under twelve years, by parent or person having care of it.	< 12 years
361	Kidnapping from lawful guardianship	M – <16; F– <18 year
366–A	Procreation of minor girl.	Female – <18 years
366–B	Importation of girl from foreign country	Female – <21 years
369	Kidnapping or abducting child under ten years with intent to steal from its	< 10 years
375	Rape	For wife – ≤15 years



NUMBER OF CRIMINALS FOR DIFFERENT OFFENCES UNDER IPC-1860

SECTION	Name of offence	MINIMUM CRIMINALS
34	Common Intention	2
120-B	Criminal Conspiracy	2
141	Unlawful assembly	5
149	Common Object	5
117	Abetting commission of offence by the public	10
391	Dacoity	5

NUMBER OF EXCEPTIONS FOR DIFFERENT OFFENCES

section	offence	exception	No of exception
136	Harbouring deserter	Harbouring – wife to her husband	1
300	Murder	<ol style="list-style-type: none"> 1. Grave & sudden provocation, 2. Exceeding right of private defence, 3. Act done by public authority, 4. Sudden fight, 5. Consent 	05
339	Wrongful restraint	1. Obstruction of a private way over land or water	01
375	Rape	<ol style="list-style-type: none"> 1. Medical procedure, 2. Sexual inter course by a man with his own wife 	02
494	Marrying again during lifetime of husband or wife (Bigamy)	If the marriage is declared void by a court	01
499	Defamation	1. Imputation of truth for public good, 2. public conduct of public servant, 3. conduct of any person touching any public question, 4. publication of report of proceeding of court, 5. expression of opinion as to the decision of a court or conduct of witness, 6. merits of public performance, 7. censure passed in good faith by person having lawful authority, 8. accusation preferred in good faith to authorized person, 9. imputation in protection of other's interest, 10. conveyance of caution for public good.	10
505	Statements conducing to public mischief	If such rumour or report is true	01

PUNISHMENTS FOR DIFFERENT OFFENCES **UNDER IPC-1860**



◆ According to Sec-53 of Indian Penal Code-1860, the offenders are liable for **FIVE** kinds

1. Death Punishment

2. Imprisonment for Life

3. Imprisonment (Rigorous and Simple)

4. Forfeiture of Property (Sec 126, 127 and 169)

5. Fine (Sec- 510)



OFFENCES IN WHICH SENTENCE OF DEATH IS GIVEN UNDER IPC-1860

Sr no	Section	offence
1	121	Waging, or attempting to wage war, or abetting waging of war, against the Govt. of India.
2	132	Abetment of mutiny, if mutiny is committed in consequence thereof.
3	194	Giving or fabricating false evidence with intent to procure conviction of capital offence.
4	302	Punishment for murder.
5	303	Punishment for murder by life-convict.
6	305	Abetment of suicide of child or insane person.
7	307	Attempt to murder by life convict.
8	364-A	Kidnapping for ransom, etc.
9	396	Dacoity with murder
10	376-A	Punishment for causing death or resulting persistent vegetative state of victim of rape.
11	376-E	Punishment for repeat offenders