

DAT 16.9.25 TIME 11.30 PERIOD 3

Discuss about sect 47 to sec 53 of bns

Date 17.9.25 time 1.30 pm period 4 bns

Chapter 3 sect 14-44 all as it is as crpc chapter 4 76-106

Talk about the excusable act and justifiable act.

But burden of proof will go on accused.

Case ref

R vs tolson 1889 case for excusable act

r vs tolson 1889

R v. Tolson

(1889) was a landmark English criminal law case that established the principle of "honest and reasonable mistake of fact" as a valid defense, particularly regarding the mental state, or *mens rea*, required for an offense. The ruling, which overturned the bigamy conviction of Martha Ann Tolson, affirmed that a person should not be criminally liable if they act under a well-founded and honest, but mistaken, belief about the circumstances.

Case details

- **Parties:** The Queen (Regina) v. Martha Ann Tolson.
- **Court:** The Court for Crown Cases Reserved.
- **Year:** 1889.
- **Facts:**
 - Martha Tolson married her husband in 1880.
 - In December 1881, her husband went missing when his ship was reported lost at sea. Tolson believed he had died.
 - Six years later, having heard no news and convinced of his death, she remarried.
 - About 11 months after her second marriage, her first husband reappeared and had her charged with bigamy under Section 57 of the Offences Against the Person Act 1861.

Legal issue

The central legal question was whether an honest and reasonable mistake of fact—that is, Tolson's belief that her husband was dead—could serve as a defense to the crime of bigamy. The bigamy statute did not explicitly mention a requirement of a "guilty mind" (*mens rea*) for a conviction.

Ruling and significance

The Court for Crown Cases Reserved quashed Tolson's conviction. In its majority decision, the court held that:

- **Presumption of *mens rea*:** Although the bigamy statute lacked explicit language regarding intent, the court presumed that a mental element was required for the offense. The judges reasoned that criminal liability generally requires a "mind at fault".
 - **Honest and reasonable mistake of fact:** Tolson's honest and reasonable belief that her husband was dead negated the *mens rea* for bigamy. If the facts she believed to be true were indeed true, her actions would have been lawful, and she was therefore not morally culpable.
 - **Important precedent:** The case is now a foundational principle of English criminal law. It solidified the defense of honest and reasonable mistake of fact for statutory offenses, reinforcing the idea that a person should not be punished if they lack criminal intent and their actions were based on a genuine, reasonable misunderstanding of the circumstances
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Case

R vs prince 1875

- **Facts:**
 - Henry Prince was charged with abducting Annie Phillips, an unmarried girl under the age of 16, from her father's possession without his consent.
 - Phillips was 14 years old, but she had told Prince that she was 18.
 - The jury accepted that Prince had a bona fide and reasonable belief that Phillips was over 16.
- **Legal issue:** The central question was whether Prince's reasonable but mistaken belief about the girl's age could serve as a defense, given that the statute was silent on the mental state (*mens rea*) required for the offense.

Ruling and significance

The Court for Crown Cases Reserved upheld Prince's conviction, affirming that his mistaken belief about the girl's age was not a valid defense. The majority reasoned that:

- **Offense is *malum prohibitum*:** The court considered the act of taking an unmarried girl from her guardian to be "wrong in itself" (*malum prohibitum*). A person who knowingly commits a wrongful act must accept the risk if the facts turn out to make the act a more serious offense.
- **Legislative intent:** The court determined that the legislature intended the offense to be one of strict liability concerning age to protect vulnerable young girls, regardless of the defendant's state of mind.
- **No reading in of *mens rea*:** The court refused to read an implied *mens rea* requirement regarding the girl's age into the statute, emphasizing that the burden lay with the defendant to ensure they were not violating the law.
- **Contrasting precedent:** The decision created a stark contrast with *R v. Tolson* (1889), which would later establish the defense of a reasonable mistake of fact for bigamy. The apparent

conflict between these two cases in English law led to later efforts to clarify the application of strict liability versus the presumption of *mens rea*.

What is section 3 of Indian majority act 1875?

Section 3 of the Majority Act, 1875, defines the age of majority for people domiciled in India. The law was originally passed to standardize the age of adulthood, which was previously governed by different personal laws for different religious communities.

Key provisions of Section 3

- Age of majority is 18 years: The current version of the Act states that a person domiciled in India attains the age of majority upon completing 18 years. This was established by an amendment in 1999.
- Exception for court-appointed guardians: Historically, the age of majority was 21 years if a minor's person or property was placed under the supervision of a court-appointed guardian or the Court of Wards. The age was 18 years for all other individuals. This distinction, which was part of the original Section 3, was removed by the 1999 amendment.
- **Calculation of age: In computing a person's age, the day of their birth is counted as a whole day. The individual is considered to have attained majority at the beginning of their 18th birthday.**
- Does not apply to personal law: Section 2 of the Act clarifies that the age of majority defined in the Act does not apply to matters of marriage, divorce, dower, and adoption, which are still governed by personal laws.

Summary of changes

The key change to Section 3 over time was the removal of the 21-year age limit for those under court guardianship. The 1999 amendment simplified the law by making the age of majority a standard 18 years for all persons domiciled in India

What is the meaning of R = (rex,regina, king, queen etc.)

In legal case names from the United Kingdom and other Commonwealth realms, "R" is an abbreviation for either Rex or Regina. The term used depends on the gender of the reigning monarch at the time the case is brought.

Rex and Regina

- Rex: Latin for "King".
- Regina: Latin for "Queen".

For example, a case brought during the reign of Queen Elizabeth II was cited as *R v. Tolson* (the Crown against Tolson), with the "R" standing for "Regina". A case brought under the reign of King Charles III would still use "R," but it would stand for "Rex".

The Crown

In practice, the "R" represents the Crown. This signifies that a criminal offense is considered a wrong against the state and society as a whole, which is represented by the monarch.

When lawyers and judges refer to cases, they pronounce "R v. Smith" as "the Crown against Smith" or "Regina/Rex against Smith," not simply "R versus Smith".

Who is the other party?

In criminal cases, the format "R v. [Defendant's Name]" indicates that the Crown is bringing the prosecution against the defendant. For example, in *R v. Prince*, the Crown was prosecuting the defendant, Henry Prince.

What is the meaning of RE in legal language?

Answer

In legal language, "re" is an abbreviation for the Latin phrase "in re," which means "in the matter of" or "concerning". It is primarily used in legal documents and case names to indicate the subject or topic of a proceeding.

Common uses of "Re"

In case titles

The term "In re" is used to title a judicial proceeding that is not an adversarial lawsuit between a "plaintiff v. defendant". Instead, the case concerns a specific subject, person, or object.

- **Examples:**
 - **Probate cases:** *In re Estate of John Doe.*
 - **Bankruptcy proceedings:** *In re General Motors Corp..*
 - **Juvenile court cases:** *In re Gault.*
 - **Adoption cases:** *In re Adoption of Marcus McGillicuddy.*

In correspondence

You will also find "Re" in the subject line of legal letters, memos, or emails. In this context, it has the same meaning as in general correspondence: "regarding," "in reference to," or "concerning".

Summary: "R" vs. "Re"

It is important not to confuse "Re" with "R" in a legal context, as they have different meanings.

Feature	"R"	"Re" / "In re"
Origin	Latin: <i>Rex</i> (King) or <i>Regina</i> (Queen)	Latin: <i>in re</i> (in the matter of)
Meaning	Represents the Crown, or the state, as the party prosecuting a criminal offense.	Refers to the subject matter of a judicial proceeding, often non-adversarial.

Common Use	In adversarial criminal case titles (e.g., <i>R v. Tolson</i>).	In case titles for probate, bankruptcy, and juvenile matters; also in the subject line of legal correspondence.
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is it not mean that sou moto

You are right to question this, as

"in re" and "suo motu" are two completely different legal concepts. They are not interchangeable. While a "suo motu" case might be titled with "in re," the two terms do not mean the same thing.

"In re" vs. "suo motu"

Feature	In re	Suo motu
Meaning	Latin for "in the matter of," referring to the subject of a case.	Latin for "on its own motion," referring to who initiates a proceeding.
Used in	The title of a legal case.	The description of how a case was initiated.
Applicability	Used for cases that do not have opposing parties, such as probate or bankruptcy.	Describes when a court, government agency, or other authority acts on its own, without being prompted by a petition or complaint.
Example	An issue regarding the will of a deceased person could be called <i>In re Estate of John Doe</i> .	The Supreme Court taking up a case based on a media report is an example of taking suo motu cognizance.

How they can appear together

A single case may be both "in re" and initiated "suo motu." This means the case is "in the matter of" a particular issue and was initiated "on its own motion."

For example, the Supreme Court of India registered a **suo motu** case with the title ***In re: Designated courts for MPs/MLAs***. This means the court, on its own initiative, began a proceeding concerning the issue of designated courts for legislators.

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Date 18.9.25 period 4 time 1.00 pm bns

Subject	mistake of facts	excusable
	Mistake of law	not excusable

Plea of superior's ?

The plea of "superior orders" is a legal defense where a subordinate argues they are not guilty of a crime because they were simply following the orders of a superior

. In modern international criminal law, it is generally not a complete defense, but it may be considered a mitigating factor during sentencing

(order) from our head person.

Case

State of west Bengal vs shew mangal singh 1981

The 1981 Supreme Court case

State of West Bengal v. Shew Mangal Singh & Ors. centered on the killings of two brothers by police officers during the Naxalite insurgency in Calcutta in 1970. The case examined the legal protection available to police officers under Section 76 of the Indian Penal Code (IPC) for acting on a superior's lawful orders.

Supreme Court decision and reasoning (1981)

The State of West Bengal appealed the acquittal to the Supreme Court of India via a Special Leave Petition. The Supreme Court dismissed the appeal and upheld the High Court's decision to acquit the officers.

The key aspects of the Supreme Court's legal reasoning were:

- **Defense under IPC Section 76:** The Court focused on Section 76 of the IPC, which states that an act is not an offense if it is done by a person who believes in good faith that they are bound by law to do it. The Court held that since the superior officer's orders to fire were considered lawful under the prevailing, unstable circumstances, the subordinate officers who acted on those orders were legally protected.
 - **Evidence and witness credibility:** The long delay (nearly nine years) between the incident and the witness testimonies significantly weakened the prosecution's case. The Court found the witnesses' accounts to be unreliable due to inconsistencies, which cast reasonable doubt on the prosecution's narrative.
 - **Contextual justification:** The Court acknowledged the chaotic law and order situation in West Bengal at the time of the incident due to the Naxalite movement. This context lent credence to the defense's claim that the officers' actions were a necessary response to a threat, and not unprovoked aggression.
 - **Upholding justice:** The Supreme Court emphasized the judicial duty to acquit the innocent just as much as it is to convict the guilty, concluding that convicting the officers on weak and inconsistent evidence would be a miscarriage of justice
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Case

Sheo Surun Sahai v. Mohamed Fazil Khan, 1868

The correct name of the 1868 case is **Sheo Surun Sahai v. Mohamed Fazil Khan**, and it is related to sections of the Indian Penal Code concerning the judicial acts of a judge. The case appears in legal digests of that era and pertains to the actions of a person who is or believes himself to be a judge.

Key legal principle

The case is often referenced in discussions of sections 77 and 78 of the Indian Penal Code (IPC). These sections deal with the concept of judicial immunity, providing legal protection to a judge or a person acting in a judicial capacity for acts done in good faith within the scope of their legal power.

Case

Chirangi v. State (1952)

The case of *Chirangi v. State* (1952) is a landmark Indian criminal law case concerning the defense of "mistake of fact" under the Indian Penal Code (IPC). The Madhya Pradesh High Court acquitted Chirangi, a father who killed his own son under the mistaken belief that the boy was a dangerous animal.

Judgment and reasoning

The Madhya Pradesh High Court overturned Chirangi's conviction, applying the defense of mistake of fact under Section 79 of the IPC. The court reasoned that Chirangi lacked the criminal intent (*mens rea*) required for murder, as he believed he was acting in self-defense against a dangerous animal, not killing a human. Medical evidence supported that his physical condition could have caused temporary delirium leading to this mistake. The court concluded that Section 79 of the IPC applied, as Chirangi acted under a good-faith mistake of fact, believing his actions were justified. The court also referred to previous cases with similar circumstances.

Legal principle established

Chirangi v. State affirmed that a genuine mistake of fact can be a valid defense under the IPC, particularly when it negates the criminal intent necessary for the crime. It highlighted the distinction between a mistake of fact and a mistake of law.

Key characteristics of a delusion

यदि हाँ, तो डिल्यूजन का अर्थ है भ्रम या भ्रमासक्ति। यह एक ऐसी झूठी और अवास्तविक धारणा होती है जिस पर कोई व्यक्ति दृढ़ता से विश्वास करता है, भले ही इसके खिलाफ ठोस सबूत मौजूद हों। यह अक्सर मानसिक विकारों का एक लक्षण होता है।

- **Fixed belief:** The person is completely convinced of the delusion's reality and will not change their mind regardless of contrary evidence.
- **False:** The belief is untrue and conflicts with reality.
- **Not a cultural norm:** The belief is outside the norm for the individual's culture or religious background. A religious belief that is widely accepted within a culture would not be considered a delusion.
- **Unusual conviction:** The person holds the belief with an incomparable subjective certainty.

Common types of delusions

Delusions can take many forms, with the most common types including:

- **Persecutory:** The belief that one is being spied on, harassed, cheated, or maliciously treated by another person or group.
- **Grandiose:** The belief that one has exceptional talent, fame, wealth, or power. An individual might believe they are a celebrity, a religious figure, or have a special destiny.
- **Erotomaniac:** The false belief that another person, often someone famous or of a higher social status, is in love with them.
- **Somatic:** The belief that one has a physical defect, medical problem, or an infestation of parasites.
- **Jealous:** The false conviction that one's sexual partner is being unfaithful, without any concrete evidence.
- **Bizarre:** A delusion that is completely implausible and not derived from ordinary life experiences, such as believing that one's internal organs have been removed and replaced by aliens.

How delusions differ from other false beliefs

- **Delusion vs. Illusion:** An **illusion** is a misinterpretation of a real sensory stimulus. For example, mistaking a coat in the dark for a person. An illusion is easily corrected once the person realizes their error. A delusion, by contrast, is a false belief that persists even when reality is clearly presented.
- **Delusion vs. Overvalued Idea:** An **overvalued idea** is an unreasonable belief that a person holds, but they have some level of doubt about its truthfulness and can be reasoned with. A delusion is held with absolute conviction and is not amenable to logic or persuasion.

Date 19.09.25 period 2 time 10.30 am

Subject accident sect 18 BNS sect 181 in IPC

Bns book page no 17.

***** Contributory negligence * this concept is not use in criminal law.**

Contributory negligence act 1945

****** prudent person ?**

A "prudent person" is a person of wisdom, discretion, and good judgment who manages practical affairs, especially in a fiduciary or financial context, with foresight and care for the future. The concept is embodied in the "prudent person rule," a legal standard used to judge whether someone acting as a trustee or in a similar capacity has exercised reasonable diligence, judgment, and care in managing assets or affairs for others.

Important case ref for accident sect 18 is

Jageshwar vs. Emperor (AIR 1924 Oudh 228) is a landmark Indian criminal law case that addresses the defense of "accident" under Section 80 of the Indian Penal Code (IPC).

Facts of the case

- The accused, Jageshwar, was involved in a physical altercation with another person.
- **The victim's wife intervened in the fight while carrying her two-month-old child on her shoulder.**
- The accused hit the woman, but the blow accidentally struck the child on the head.
- The child later died from the effects of the blow.
- **The accused claimed that the child's death was an accident and that he should be protected under Section 80 of the IPC.**

Legal issue

The central issue was whether the defense of "accident" under Section 80 of the IPC could be invoked when the accused was performing an unlawful act.

Judgment and principle

The Oudh court rejected the accused's defense and delivered a key interpretation of Section 80 of the IPC:

- **No protection for unlawful acts:** The court held that the accused was not entitled to the protection of Section 80 because he was not performing a lawful act at the time of the accident. He was engaged in an unlawful act—assaulting another person.
- **Act must be lawful:** The court established the principle that for the defense of "accident" to apply, the act itself must be a lawful act performed in a lawful manner, with lawful means, and with proper care and caution.
- **Intention vs. act:** The case clarifies that while the death of the child was unintentional, the underlying act that led to it was unlawful. Therefore, the lack of intention to harm the child was irrelevant.

Significance

Jageshwar vs. Emperor remains an important precedent in Indian criminal law, underscoring the strict conditions required to successfully plead the defense of accident. It distinguishes between an accident occurring during a lawful activity and one that happens while committing an unlawful act, for which no legal protection is available.

This case is landmark case for defence under section 80 for accident excuse.

And this case set the ***Doctrine of Stare Decisis*** same like as article 141 bns.

Doctrine of Stare Decisis

- **Meaning:**
The term *Stare Decisis* is a Latin phrase meaning **"to stand by the decided cases"** or **"let the decision stand"**.
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** if you want to use defence under section 104 of B.A.S. OR section 105 E.I.A than burden of proof is your own shoulder.

*** **Rebuttable Presumption** (the court that is taken as true)

• **Meaning:**

A *rebuttable presumption* is a legal assumption made by the court that is taken as true **until it is challenged and disproved by evidence.**

In simple words: Law presumes something, but if the opposite party produces proof, the presumption can be overturned.

• **Example:**

- **Presumption of Innocence:** Every person is presumed innocent until proven guilty.
 - **Presumption of Legitimacy:** A child born during the subsistence of a valid marriage is presumed to be legitimate (Section 112, Indian Evidence Act). But this can be rebutted by strong evidence (e.g., proof of non-access).
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• **Law Reference:**

- **Indian Evidence Act, 1872** contains several **rebuttable presumptions**, e.g.:
 - Section 113A – Presumption as to abetment of suicide by a married woman.
 - Section 113B – Presumption as to dowry death.
 - Section 114 – Court may presume existence of certain facts (illustrations A–I).
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• **Difference from Irrebuttable Presumption:**

- **Rebuttable:** Can be disproved by evidence.
 - **Irrebuttable (Conclusive Proof):** Cannot be disproved, even with contrary evidence (e.g., Section 112, legitimacy of child within marriage, is treated as conclusive proof unless non-access is shown).
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✓ **Summary:**

A **rebuttable presumption** is a legal assumption valid until evidence to the contrary is presented. It helps the court save time, but also allows flexibility for justice.

Date 23.09.2025 time 11.30 am period 3

Medical negligence

Case

Kusum Sharma v. Batra Hospital and Medical Research Centre (2010)

The Supreme Court of India's decision in ***Kusum Sharma v. Batra Hospital and Medical Research Centre (2010)*** is a landmark judgment that clarifies and reinforces the principles of medical negligence in India. The court upheld the dismissal of a negligence claim against the hospital and its doctors, reiterating that a medical professional cannot be held liable for every unsuccessful outcome.

Facts of the case

- The deceased, Shri R.K. Sharma, was admitted to Batra Hospital in 1990 with a suspected adrenal tumour.
 - Doctors performed surgery to remove the tumour, which was later confirmed to be malignant. During the surgery, the patient's pancreas was damaged, a complication that was immediately repaired.
 - The patient later underwent a second surgery and other treatments for complications, but was discharged with advice for regular follow-up.
 - He subsequently sought treatment at other hospitals but passed away several months later due to pyogenic meningitis.
 - His family, led by his wife Kusum Sharma, filed a complaint with the National Consumer Disputes Redressal Commission (NCDRC), alleging medical negligence and seeking compensation.
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Legal principles established by the Supreme Court

The Supreme Court upheld the NCDRC's decision and articulated several key principles for determining medical negligence, drawing heavily from the English **Bolam test** and its own prior rulings.

- **Reasonable skill and competence:** A medical professional is expected to exercise a "reasonable degree of skill and competence," not the highest possible level. Negligence cannot be attributed as long as the doctor performs their duties with reasonable care and caution.
- **Protection from frivolous complaints:** The court stressed the need to protect medical professionals from unnecessary harassment and frivolous claims, which could make doctors hesitant to perform their duties fearlessly.
- **Error of judgment vs. negligence:** An error in judgment or an honest mistake is not necessarily negligence, especially in complex cases where there is a genuine difference of medical opinion. The court noted that doctors in complicated cases may have to take calculated risks for a better chance of success.
- **Standard of care:** The standard of care is that of an "ordinary skilled practitioner" in the relevant field, not that of a layperson. A doctor is not negligent if they act in accordance with a practice accepted as proper by a responsible body of medical professionals.
- **Informed consent:** The court found that informed consent had been obtained in this case. It noted that the risk involved in the surgery was explained to the patient and his family, and they proceeded with the operation after consultation.

- **Burden of proof:** The burden of proving medical negligence lies with the complainant. The court found that the appellants had failed to produce sufficient evidence to establish that the doctors at

Batra Hospital

had acted negligently or had deviated from accepted medical practice.

Dr. Saroja Dharmapal Patil v. The State of Maharashtra

The case you're referring to, **Dr. Saroja Dharmapal Patil v. The State of Maharashtra**, decided on October 12, 2010, appears to be a criminal appeal related to charges of negligence. This case specifically dealt with the standard of proof required to establish criminal negligence, especially in the context of medical practice.

Key takeaways from the case

- **Difference between civil and criminal negligence:** The court emphasized that what may be considered negligence in civil law (e.g., for compensation) is not necessarily negligence in criminal law. To be an offense, the negligence in criminal law must be of a much higher degree—described as "gross" or "very high".
- **Relevance of the Bolam test:** The test for determining medical negligence, established in the English case of *Bolam v. Friern Hospital Management Committee*, remains applicable in India. This test generally assesses whether a doctor's actions are in accordance with a practice accepted as proper by a responsible body of medical professionals in that field.
- **Requirement of "mens rea":** For an act to amount to a criminal offense, the element of *mens rea*, or a guilty mind, needs to be established.
- **Negligence not "gross":** If the negligence is neither gross nor of a higher degree, it might be actionable in civil law, but it would not form the basis for criminal prosecution.

Essentially, the case underscored the stricter standard for proving criminal negligence against medical professionals. It highlighted the distinction between a simple error in judgment or a lower degree of negligence, which might warrant civil action, and the much higher degree of "gross" negligence required for criminal charges.

Case for wrestling *tunda v. rex 1950*. The 1950 accident case: *Tunda v. State (1950)*

In the case of *Tunda v. Rex 1950*, the accused and the deceased were friends who were wrestling fans and were engaged in a wrestling bout. While the wrestling head accidentally came in contact with a concrete platform resulting in injuries to the skull and eventual death. The accused was tried under section 304.

In this case (sometimes cited as *Tunda v. Rex*), the accused Tunda was a wrestler involved in a friendly bout with his close friend, the deceased.

- **Facts:** During the wrestling match, Tunda threw the deceased to the ground. The deceased's head struck a hard surface, causing a fatal skull fracture.
- **Legal issue:** The court had to determine if Tunda was liable for the death, which occurred as a result of a physical act.

- **Judgment:** The court ruled that Tunda was not liable under Section 80 of the Indian Penal Code (IPC), which protects acts done by "accident".
 - The court reasoned that the wrestling match was a lawful act performed in a lawful manner, and there was no criminal intent.
 - It also noted that the deceased had given implied consent to the risks inherent in wrestling.
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Section 19 necessity (doctrine of necessity)

**necessity don't know law.

** doctrine of self-preservation. (aatma Raksha ka Siddhant)

Case ***Regina v. Dudley and Stephens (1884)*** was a landmark English criminal case that established the legal precedent that necessity is not a valid defense for a charge of murder.

Facts of the case

- **Shipwreck:** In 1884, the four-man crew of the English yacht *Mignonette* were stranded in a small, open lifeboat in the South Atlantic, over 1,000 miles from land, after a storm sank their vessel.
- **Survival:** The crew consisted of Captain Tom Dudley, mate Edwin Stephens, sailor Edmund Brooks, and 17-year-old cabin boy Richard Parker. They survived for more than two weeks on minimal food and rainwater.
- **Murder:** As they faced starvation, Dudley and Stephens decided to kill Parker, who was weak and ill from drinking seawater, to ensure their own survival. Without Parker's consent, Dudley stabbed him to death on July 25, 1884.
- **Rescue:** The three remaining men fed on Parker's body for four days until they were rescued by a German vessel.
- **Confession and trial:** Upon their return to England, Dudley and Stephens were open about what had happened, believing that their dire circumstances would excuse their actions. They were arrested and charged with murder.

The court's judgment

The central legal question was whether the defense of "necessity" could justify the intentional killing of an innocent person.

- **Rejection of necessity:** The Queen's Bench Division, presided over by Lord Chief Justice Coleridge, unanimously ruled against the defendants. The court found that necessity, or the need to preserve one's own life, could not justify the murder of another.
- **Sacredness of life:** Lord Coleridge's judgment emphasized that the law places the highest value on human life, and no individual has the right to decide whose life is more valuable.
- **Distinction from self-defense:** The court distinguished the situation from self-defense, noting that Parker posed no threat to the defendants and was deliberately chosen because he was the weakest.

- **"Slippery slope" argument:** The judgment also pointed out the danger of accepting such a defense, as it could create a precedent where individuals could justify terrible crimes in the name of self-preservation.

Date 24.09.2025 period 4 time 1.00 pm

Intancy section 20 in BNS and section 82 in IPC

Below 7 years child rule doli in capax because child does not take means rea.

Case

The case of *Deoki Nandan Dayma v. State of Uttar Pradesh and Another* was decided by the Supreme Court of India in 1996. The judgment addressed the procedure for determining the age of an accused person under the Juvenile Justice Act.

Facts of the case

- The second respondent, the accused, was brought before the Sessions Court in Sonbhadra.
- The accused claimed to be a juvenile at the time of the alleged offense.
- In an inquiry held to determine the accused's age, the Sessions Judge found that the accused was **not a juvenile**. In reaching this conclusion, the Sessions Judge did not accept the evidence provided by the accused's father regarding his son's age.
- The accused challenged this finding before the High Court in a revision petition.
- **The High Court set aside the Sessions Judge's order and concluded that an entry in a school register was admissible evidence of the accused's date of birth.**
- The High Court did not, however, properly consider or advert to the detailed and discussed evidence from the initial inquiry by the Sessions Judge.
- Devki Nandan Dayma, the petitioner, then appealed this High Court order to the Supreme Court.

Supreme Court's judgment

The Supreme Court heard the matter on appeal and set aside the High Court's order.

- **The court acknowledged that an entry in a school register could be considered admissible evidence for determining a student's date of birth.**
- However, it noted that the High Court had failed to take into account the entire body of evidence examined by the Sessions Judge, particularly the Sessions Judge's finding that the evidence provided by the father was not credible.
- The Supreme Court found that the High Court's reasoning for reversing the lower court's **decision was flawed due to this oversight.** सीधे अनुवाद
- यह अनदेखी के कारण निर्णय त्रुटिपूर्ण था।
- इस गलती की वजह से फैसला गलत था।

- The Court, therefore, remanded the case back to the High Court with a direction to re-hear the revision petition and decide the matter in accordance with the law, based on a proper consideration of all the evidence presented.
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Case **krishna Bhagwan vs state of bihar.**

The 1989 case on the Juvenile Justice Act: *Krishna Bhagwan v. State of Bihar*

This case involves the application of the Juvenile Justice Act to a minor accused of a crime.

- Facts: In this matter, which is mentioned in a 2000 Patna High Court judgment, a Full Bench was formed to resolve a reference based on conflicting judgments, including an earlier one in *Krishna Bhagwan v. State of Bihar*. **The case concerned the determination of age under the Juvenile Justice Act, 1986.**
- Legal Principle: The case was referred to a larger bench because of **differing views** on the application of the Juvenile Justice Act, particularly whether its protective provisions could be extended to individuals **who were minors at the time of the offense but were adults by the time of their arrest or trial**. **The case was instrumental in shaping the jurisprudence related to the trial of juvenile offenders.**

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Ulla Mahapatra case of doli incapax.

- The query "Ulla Mahapatra" refers to a 1950 legal case in which a **young boy named Ulla Mahapatra was the appellant**
 - . The case is a significant one in Indian legal history, particularly concerning the concept of **doli incapax**, or the criminal responsibility of a child.
 - **Case details: *Ulla Mahapatra v. The King (1950)***
 - **Facts:** The case involved the appellant, Ulla Mahapatra, who was around 11 or 12 years old at the time of the incident in April 1949. A dispute arose between Ulla and another boy, Ranka Naik, over palm fruits. Following an argument, Ulla fatally struck Ranka in the neck with a knife.
 - **Initial Ruling:** **A lower court convicted Ulla of murder under Section 302 of the Indian Penal Code and sentenced him to transportation for life.**
 - **Orissa High Court Appeal:** **The case was appealed to the Orissa High Court. The primary legal question centered on whether Ulla, given his age, possessed sufficient maturity of understanding to know the nature and consequences of his actions.**
 - **High Court's Decision:**
 - The court reviewed the evidence, including the testimony of child eyewitnesses, and concluded that **Ulla had intentionally killed the victim.**
 - **The court found that the child's threats and actions demonstrated his awareness of what he was doing, holding that his conduct did not qualify for an exemption under legal principles protecting children from criminal liability.**
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- However, recognizing his tender age, the High Court modified the sentence. Instead of the initial life sentence, **Ulla was ordered to be detained in a reformatory school for five years.** This rehabilitative approach prioritized his age and potential for reform over retribution.
 - **Significance of the case**
 - **The case is an important example of how courts have addressed the issue of criminal responsibility for children, balancing culpability with rehabilitation.** While it predates modern juvenile justice legislation in India, it highlights the legal reasoning used at the time to evaluate a child's understanding of their actions.
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**** dowry death *****under 7 years of marriage in un natural circumstances. Court presuming this is a case of dowery death.

Vishaka and others v. State of Rajasthan and others (1997)

The case of ***Vishaka and others v. State of Rajasthan and others (1997)*** is a landmark judgment by the Supreme Court of India that established guidelines for preventing sexual harassment of women in the workplace. The ruling is one of the most significant moments in the history of gender justice and women's rights in India.

Background: The gang rape of Bhanwari Devi

The judgment was the direct result of a Public Interest Litigation (PIL) filed by women's rights activists and NGOs under the collective banner of Vishaka. The petition was spurred by the horrifying case of Bhanwari Devi, a social worker in Rajasthan.

- In 1992, Bhanwari Devi, who was part of the state government's Women's Development Programme, attempted to prevent a child marriage in her village.
- **In retaliation, upper-caste men from the village gang-raped her in front of her husband.**
- The trial court acquitted all the accused men, showcasing the deep flaws in the system and the difficulties women faced in getting justice.

The Supreme Court's intervention

In response to the systemic failure revealed by Bhanwari Devi's case, the NGOs filed a PIL in the Supreme Court to highlight the lack of legal recourse for sexual harassment at the workplace. The court recognized the absence of a specific law to address this issue and used its power under Article 32 of the Constitution to fill the legislative void.

The Vishaka Guidelines

The Supreme Court, in its judgment delivered on August 13, 1997, laid down a set of legally binding guidelines, known as the **Vishaka Guidelines**. These were to be followed by all employers in both the **public and private sectors** until a specific law was enacted by the legislature.

The guidelines placed the following responsibilities on employers:

- **Definition of sexual harassment:** **Provided a comprehensive definition of what constitutes sexual harassment in the workplace, including unwelcome sexual advances, sexually colored remarks, and showing pornography.**

- **Establishment of internal committees:** Mandated the creation of an Internal Complaints Committee (ICC) to address complaints from employees.
- **Preventive measures:** Required employers to take all steps necessary to prevent sexual harassment from occurring in the first place, such as issuing a policy statement and conducting awareness programs.
- **Redressal mechanism:** Created a mechanism for receiving and investigating complaints, and for taking appropriate action against offenders.

Date 30.09.2025

Section 22 in IPC section 84

Act of a person of unsound mind. **Insanity.**

Case ref The landmark 1843 English case of **R v. Daniel M'Naghten** established the **M'Naghten Rules**, which remain the foundation for the legal defense of insanity in many common law jurisdictions, including India. The case defined the conditions under which a person can be considered "not guilty by reason of **insanity**".

The trial and verdict: At his trial, M'Naghten's lawyers argued that he was insane and incapable of discerning right from wrong due to his delusions. Several medical experts testified to M'Naghten's mental state. The jury returned a verdict of "not guilty by reason of insanity," and M'Naghten was committed to a mental institution for the rest of his life.

Public outrage and the M'Naghten Rules

The acquittal of M'Naghten caused a public outcry, which was reflected in the newspapers and even led to a debate in the House of Lords. Queen Victoria herself expressed her displeasure with the verdict. In response to the controversy, the House of Lords summoned the judges to address a series of hypothetical questions on the defense of insanity.

The answers provided by the judges formulated the legal principles that became known as the M'Naghten Rules. These rules established a standard test for criminal liability based on the defendant's mental state at the time of the crime.

The M'Naghten Rules

The principles formulated were:

1. **Presumption of sanity:** Every person is presumed to be **sane** (healthy mind) until proven otherwise.
2. **Defect of reason:** To establish an insanity defense, it must be clearly proven that the accused was "labouring under such a defect of reason, from disease of the mind" at the time of the crime.
3. **Knowledge of the act:** The accused must have been unaware of the "nature and quality" of the act they were doing.
4. **Knowledge of wrongfulness:** Alternatively, if the accused did know the nature and quality of the act, they must have been unaware that what they were doing was "wrong".

Significance and legacy

- **Benchmark for insanity defense:** The M'Naghten Rules became the leading authority for the insanity defense in English law and influenced criminal law in many countries.
- **Cognitive focus:** The rules placed a strong emphasis on the cognitive aspect of insanity—the defendant's ability to know what they were doing and to distinguish right from wrong.
- **Burden of proof:** The rules placed the burden of proof on the defense to show that the accused was insane at the time of the offense.
- **Influence on Indian law:** The M'Naghten Rules have directly influenced the defense of unsound mind in Indian criminal law, which is codified in Section 84 of the Indian Penal Code.

Legal insanity vs medical insanity.

Legal insanity is a legal concept used by the court to determine if an individual can be held criminally responsible for their actions. In contrast, medical insanity (more accurately referred to as a mental disorder or illness) is a clinical diagnosis made by medical professionals, with the purpose of managing and treating a patient's health. A person can be medically insane yet legally sane.

The key differences between legal and medical insanity are outlined below.

Comparison of legal vs. medical insanity

Aspect	Legal Insanity	Medical Insanity
Purpose	To determine criminal liability and whether an accused individual had the necessary <i>mens rea</i> (guilty mind) to be held accountable for their crime.	To diagnose, treat, and manage a patient's mental health condition for their overall well-being.
Defining standard	Based on strict legal criteria that focus on the accused's mental state at the exact time of the offense. In India, this is defined by Section 84 of the Indian Penal Code.	Based on clinical diagnostic manuals like the DSM-5 (Diagnostic and Statistical Manual of Mental Disorders) and the ICD-10 (International Classification of Diseases), which are used by psychiatrists and psychologists.
Decision-making capacity	Presumes a complete loss of the capacity to reason, understand the nature of the act, or distinguish right from wrong at the time of the offense.	Diagnosis of a mental illness does not automatically imply a loss of decision-making capacity in all areas of life.

Burden of proof	The burden lies on the accused to prove their legal insanity to the satisfaction of the court, often through expert testimony and evidence of their conduct.	The burden is on a medical professional to diagnose a patient, not for the patient to "prove" they are mentally unwell.
Temporal requirement	The defense applies only if the individual was in a state of legal insanity at the precise moment the crime was committed.	A diagnosis of mental illness can be applied regardless of the time frame, as it describes a person's general and ongoing mental condition.
Common defense example	An accused person claiming they believed they were cutting a loaf of bread when they were actually slicing a man's hand.	A person diagnosed with paranoid schizophrenia who may or may not act on their delusions in a criminal manner.

Legal insanity in India

In India, the concept of legal insanity is addressed in Section 84 of the Indian Penal Code (IPC). This provision is based on the M'Naghten Rules, a legal test for insanity that originated from an 1843 case in England.

Section 84 IPC states:

"Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law".

****** actival you are free/ or not guilty.**

****** conviction jail / fine**

Case

Sita Ram & Anr vs. The State of Himachal Pradesh, (2011) 2 Cr.L.J. 1957 (SC)

is a criminal law case decided by the Supreme Court of India in 2011. The case involved a conviction for culpable homicide not amounting to murder, punishable under Section 304 of the Indian Penal Code (IPC).

42 law commission repeat talk about insenity

The 42nd Law Commission of India, which presented its report on the Indian Penal Code in 1971, discussed the defense of insanity but ultimately

did not recommend any significant changes to the existing law. The commission acknowledged the need to review the antiquated M'Naghten Rules, which form the basis of Section 84 of the Indian Penal Code, but concluded that no changes were necessary.

Context of the 42nd Law Commission report

- **The report (1971):** The 42nd Law Commission report was a comprehensive review of the Indian Penal Code. While it addressed many aspects of the Code, its discussion on the insanity defense was notable because it considered whether the cognitive test laid down in the 19th century was still relevant.
- **The M'Naghten Rules:** Section 84 of the IPC, which codifies the defense of "unsoundness of mind," is based on the M'Naghten Rules. These rules focus on whether the accused knew the "nature and quality" of their act or that the act was "wrong" at the time of the offense.
- **The core issue:** The commission was confronted with the issue that the M'Naghten rules, and by extension Section 84, focus almost exclusively on a person's cognitive ability (their knowledge of right and wrong) and largely ignore the volitional aspect of mental illness (a person's ability to control their actions).

The commission's deliberations and conclusions

Despite receiving suggestions to modernize the law, the commission opted for the status quo. The main arguments considered and rejected were:

- **Volitional aspect:** The commission considered but rejected the idea of incorporating the concept of "irresistible impulse"—an uncontrollable urge to commit a crime despite knowing it is wrong. The majority view was that this would make trials more difficult for judges to assess.
- **Medical versus legal insanity:** The commission noted the distinction between medical and legal definitions of insanity. It recognized that relying too heavily on medical opinions might lead to difficulties, including a lack of uniform standards and the availability of psychiatric expertise across the country.
- **No change recommendation:** The report concluded that the existing law, despite its age, was sufficient, and recommended no changes to Section 84.

Aftermath and continuing debate

- **Law remains unchanged:** As a result of the commission's report, Section 84 of the Indian Penal Code was not altered and continues to be based on the cognitive M'Naghten test.
- **Ongoing criticism:** Legal scholars and mental health advocates have continued to criticize the narrow scope of the law. They argue that it fails to adequately account for the complexities of modern psychiatric understanding of mental illness.
- **Subsequent developments:** While the law has not been amended, the judiciary has evolved in its interpretation of Section 84. The Supreme Court has clarified the burden of proof, requiring the accused to prove their legal insanity, not just medical illness, through evidence.

Actus reus, Latin for "guilty act," is the physical or external component of a crime, distinguishing it from *mens rea*, the "guilty mind".

Section 23 it talk about intoxication against his will.

Director of Public Prosecutions v. Beard is a landmark 1920 English House of Lords case that significantly influenced the law regarding criminal liability and voluntary intoxication.

Facts of the case

- Arthur Beard, while heavily intoxicated, raped and killed a 13-year-old girl.
- To silence her screams, he placed his hand over her mouth and his thumb on her throat, which caused her to suffocate.
- Beard was charged with murder.
- His defense was that, due to his extreme drunkenness, he was incapable of forming the specific intent required for murder.

Significance of the judgment

- **Distinction between specific and basic intent:** The case established the crucial distinction between specific intent and basic intent offenses, a principle that continues to be relevant in English criminal law.
- **Voluntary intoxication is not a blanket defense:** The ruling clarified that voluntary drunkenness cannot be used as an excuse to completely avoid criminal liability.
- **Indian law:** The principles from this case have influenced Indian law, particularly concerning sections of the Indian Penal Code that address intoxication as a defense. However, Indian law (specifically Section 86 of the IPC) focuses on voluntary intoxication and generally presumes knowledge of the consequences, holding individuals responsible for acts committed while voluntarily drunk.

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