CASE LAW UPDATES

Death by Negligence: Supreme Court Explains the Limits of Section 304A IPC and the Causa Causans Test

Hanspal Bakul · 19 Nov 2026

The SC recently explained the limits required to establish criminal liability under **Section 304A of the Indian Penal Code (IPC)**. The apex court emphasized that a remote connection between an act and a fatality is insufficient to sustain a conviction for death by negligence. Instead, the prosecution must satisfy the **'causa causans' (proximate cause) test**, proving that the accused's act was the direct and immediate cause of death.

Matin Shankarrao Bhosale & Anr. v. State of Maharashtra & Anr., 2026

INSC 1198 (reportable), Criminal Appeal No. 5171 of 2026 (arising from SLP (Crl.) No. 13889 of 2026),

Decided 2 November 2026

By J.B. Pardiwala and Manmohan JJ. (judgment by Pardiwala J.).

The Legal Question

When a child dies because a school pillar collapses, are the office-bearers of the school criminally liable?

The Court had to decide **whether the President and Superintendent could be tried for culpable homicide not amounting to murder (Section 304 IPC)**, or at least for causing **death by a rash or negligent act (Section 304A IPC)**, when the construction was actually carried out by a contractor.

Facts

In February 2020, a 12-year-old Class VII student at an Adivasi Ashram Shala in Amravati district, Maharashtra, was fatally injured when a pillar under construction on the school premises

collapsed on her. Her father lodged an FIR alleging that the school's director and the hostel Superintendent had allowed substandard construction and taken no precautions.

The police filed a chargesheet against the President and the Superintendent under Section 304 read with Section 34 IPC. The Bombay High Court refused to quash the proceedings on 25 February 2026. It relied on forensic analysis of the mortar, which showed deviation from the normal cement ratio, and on the absence of a proper base for the pillar.

It held that the negligence amounted to a breach of duty and that the knowledge of risk could be inferred from the use of substandard material.

Contentions

Appellants (President and Superintendent): Even if the prosecution case is taken as true, there is no voluntary act, so Section 304 cannot apply. Section 304A also fails, because the **causal chain has several links and only the causa causans (the proximate and efficient cause) fixes criminal liability, not every causa sine qua non.** Their alleged failure to take care while construction was going on was at most a remote cause.

State: On a quashing application, the court only looks for a prima facie case and should not weigh evidence. A 12-year-old girl died, and at least an offence under Section 304A is made out, for the trial court to decide. The deceased's father did not appear in the Supreme Court despite notice.

Analysis

1. Section 304 requires intention or knowledge. The Court explained that Part I applies **when the act is done with the intention to cause death or bodily injury likely to cause death,** and **Part II applies when it is done with knowledge that it is likely to cause death** It rejected the High Court's inference. Knowing that poor construction may cause an accident does not mean knowing that death is likely, especially for administrators who did not build the pillar.***A breach of the standard of care is not a criminal act in itself.***

2. Section 304A starts where Sections 299 and 300 end. The Court reiterated that Section 304A covers death caused without intention or knowledge. If intention or knowledge drove the act, the graver charge applies. It cited ***Naresh Giri* (2008)** **and** ***Balwant Singh*** **on this point.**

3. Rashness and negligence are different. Criminal negligence is gross and culpable neglect of an imperative duty of care. Criminal rashness involves running a known hazard in the hope that harm will not follow. The Court drew on *Syed Akbar* , *Jacob Mathew* and *Dr P.B. Desai* **to stress that the negligence needed for a crime is of a much higher degree than the negligence enough for civil damages.**

4. Causation decides the case. Following *Kurban Hussein Mohamedalli Rangawalla* and *Ambalal D. Bhatt* , the Court held that the **act must be the direct and proximate cause of death without the intervention of another's negligence. It must be the causa causans**, and it is not enough that it was a causa sine qua non. *Sushil Ansal* was cited for the meaning of causa causans.

5. Application. The contractor and his team actually did the construction. Even assuming negligence by the administrators, their conduct was at most a **causa sine qua non**. **There was a causa interveniens** that broke the chain of causation. The Court noted that the contractor is prima facie the person responsible, subject to evidence at trial.

Outcome

The appeal was allowed, the chargesheet proceedings were quashed against the two appellants, and the trial may continue against any co-accused. The Court expressed deep sorrow at the child's death but said that this cannot cloud a judge's assessment of the law.

Ratio

For Section 304A, death must be the direct result of a rash or negligent act that is the proximate and efficient cause of death without another's negligence intervening. A failure by school administrators to ensure safe construction, where an independent contractor did the work, does not make them criminally liable under Section 304 or Section 304A.