AILET

General Exceptions Under IPC: Infancy and Mistake

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General Exceptions Under IPC: Infancy and Mistake

.docxpressoPlugin { font-size: 83.35%; } .h5p_layout { box-sizing: content-box !important; } .h5p_layout *{ float: none; text-align: initial; box-sizing: border-box; } /*to make sure that floating elements are always inside the document bounds*/ .h5p_layout:after { content: " "; display: block; height: 0; clear: both; visibility: hidden; } /* a default layout for documents without maste styles */ .h5p_default_layout { margin-top: 3.6rem; margin-left: 8.50464rem; margin-bottom: 3.6rem; margin-right: 8.50464rem; writing-mode: lr-tb; } /*hack for IE */ wbr:after { content: "\00200B"; } /*hack to get some extra top margin for anchors if needed*/ .h5p_layout span[id^="_Toc"]{ padding-top: 10px; margin-top: -10px; } /* Remove unwanted numbering styles */ .h5p_layout .removeNumbering:before{ content: initial !important; display: none; all: initial !important; } /* give zero default top and bottom paddings for paragraphs*/ .h5p_layout p { color: #000000; line-height: 1; margin-top: 0; margin-bottom: 0; } .h5p_layout span { color: #000000; font-weight: normal; } .h5p_layout span.dropcap { color: inherit; font-family: inherit !important; } .h5p_layout h1, .h5p_layout h2, .h5p_layout h3, .h5p_layout h4, .h5p_layout h5, .h5p_layout h6 { margin-top: 0; margin-bottom: 0; font-family: inherit; font-weight: 500; line-height: 1; color: inherit; } /* give zero default top and bottom paddings for paragraphs in tables*/ .h5p_layout table p { margin-top: 0; margin-bottom: 0; } .h5p_layout ul, .h5p_layout ol { list-style-type: none; margin-top: 0; margin-bottom: 0.5em; padding-left: 0; } .h5p_layout ul li, .h5p_layout ol li { list-style-type: none; margin-top: 0; margin-bottom: 0.5em; } .h5p_layout li p { margin-top: 0; margin-bottom: 0; } .h5p_layout table { border: none; } .h5p_layout td { vertical-align: top; border: none; } .h5p_layout th { vertical-align: top; border: none; } .h5p_layout div { margin-bottom: 10pt; } .h5p_layout img { margin: 0; padding: 0; } .h5p_layout ul ul { margin-top: 0; margin-bottom: 0; } .h5p_layout li { margin-top: 0; margin-bottom: 0; list-style-type: none !important; } .h5p_layout ul, .h5p_layout ol { list-style-type: none !important; } .h5p_layout td[data-sorting] p:before, .h5p_layout th[data-sorting] p:before { content: ' '; padding-right: 16px; background: url(

background-position: left center; background-repeat: no-repeat; } .sortDecorator { border-bottom: 3px solid #b70000 !important; } /* This is a spacial class designed to remove unwanted bullets when a li has ul as its first child*/ .h5p_layout .removeBullet:before { content: none !important; } /*responsive tables*/ .h5p_layout div.dxoResponsiveTable{ margin: 0 !important; padding: 0 !important; overflow-x: auto !important; overflow-y: hidden; } /* chart tooltips */ .c3-tooltip-container td.name { white-space: nowrap; } /* External services*/ .h5p_layout iframe { resize: vertical; border: 1px solid #fff; } .h5p_layout div.youtube { position:relative; padding-bottom:56.25%; height:0; overflow:hidden; background-color: transparent; } .h5p_layout div.youtube iframe { resize: none; position:absolute; top:0; left:0; width:100%; height:100%; } div#h5p_6a7c06545b596 ul.LFO1 {margin-left: 0;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 ul {margin-left: -0in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li {text-indent: -0.25in;margin-left: 18pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li:before {font-family: Symbol !important;content: "\2022";font-family: Verdana;counter-increment: ulLFO1_1;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO1 ul ul {margin-left: -0.5in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li {text-indent: -0.25in;margin-left: 54pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li:before {font-family: Courier New !important;content: "o";counter-increment: ulLFO1_2;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO1 ul ul ul {margin-left: -1in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li {text-indent: -0.25in;margin-left: 90pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li:before {font-family: Wingdings !important;content: "\25aa";counter-increment: ulLFO1_3;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO1 ul ul ul ul {margin-left: -1.5in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li {text-indent: -0.25in;margin-left: 126pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li:before {font-family: Symbol !important;content: "\2022";font-family: Verdana;counter-increment: ulLFO1_4;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO1 ul ul ul ul ul {margin-left: -2in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li ul li {text-indent: -0.25in;margin-left: 162pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li ul li:before {font-family: Courier New !important;content: "o";counter-increment: ulLFO1_5;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO1 ul ul ul ul ul ul {margin-left: -2.5in;padding: 0; list-style-type: none;font-size: 11pt;}

div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li ul li ul li {text-indent: -0.25in;margin-left: 198pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li ul li ul li:before {font-family: Wingdings !important;content: "\25aa";counter-increment: ulLFO1_6;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO1 ul ul ul ul ul ul ul {margin-left: -3in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li ul li ul li ul li {text-indent: -0.25in;margin-left: 234pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li ul li ul li:before {font-family: Symbol !important;content: "\2022";font-family: Verdana;counter-increment: ulLFO1_7;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO1 ul ul ul ul ul ul ul ul {margin-left: -3.5in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li ul li ul li ul li ul li {text-indent: -0.25in;margin-left: 270pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li ul li ul li ul li ul li:before {font-family: Courier New !important;content: "o";counter-increment: ulLFO1_8;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO1 ul ul ul ul ul ul ul ul ul {margin-left: -4in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li ul li ul li ul li ul li ul li {text-indent: -0.25in;margin-left: 306pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO1 li ul li ul li ul li ul li ul li ul li ul li ul li:before {font-family: Wingdings !important;content: "\25aa";counter-increment: ulLFO1_9;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO2 {margin-left: 0;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO2 ul {margin-left: -0in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO2 li {text-indent: -0.25in;margin-left: 18pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO2 li:before {font-family: Symbol !important;content: "\2022";font-family: Verdana;counter-increment: ulLFO2_1;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO2 ul ul {margin-left: -0.5in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO2 li ul li {text-indent: -0.25in;margin-left: 54pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO2 li ul li:before {font-family: Courier New !important;content: "o";counter-increment: ulLFO2_2;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO2 ul ul ul {margin-left: -1in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO2 li ul li ul li {text-indent: -0.25in;margin-left: 90pt;font-size: 11pt;} div#h5p_6a7c06545b596 ul.LFO2 li ul li ul li:before {font-family: Wingdings !important;content: "\25aa";counter-increment: ulLFO2_3;margin-left: -0.25in;display: table-cell;display: table-cell;} div#h5p_6a7c06545b596 ul.LFO2 ul ul ul ul {margin-left: -1.5in;padding:

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div#h5p_6a7c06545b596 p.P1 span {hyphenate: false;font-family: Cambria;color: #17365D;letter-spacing: 0.0034in;font-size: 26pt;hyphenate: false;font-weight: bold;} div#h5p_6a7c06545b596 p.P2 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P2 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 p.P3 {margin-left: 0.5in !important;font-size: 11pt;} div#h5p_6a7c06545b596 p.P3 span {hyphenate: false;hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 p.P4 {margin-left: 0.5in !important;font-size: 11pt;} div#h5p_6a7c06545b596 p.P4 span {hyphenate: false;hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 p.P5 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P5 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 p.P6 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P6 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 14pt;} div#h5p_6a7c06545b596 p.P7 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P7 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 span.T8 {font-family: Times New Roman !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 span.T9 {font-family: Times New Roman !important;font-style: italic !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 span.T10 {font-family: Times New Roman !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 p.P11 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P11 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 p.P12 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P12 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 p.P13 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P13 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 14pt;} div#h5p_6a7c06545b596 p.P14 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P14 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 14pt;} div#h5p_6a7c06545b596 p.P15 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P15 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 p.P16 {margin-left: 0.5in !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.T17 {font-family: Times New Roman !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 p.P18 {margin-left: 0.5in !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.T19 {font-family: Times New Roman !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 p.P20 {margin-left: 0.5in !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.T21 {font-family: Times New Roman !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 span.T22 {font-family: Times New Roman !important;font-style: italic !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 span.T23 {font-

family: Times New Roman !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 span.T24 {font-family: Times New Roman !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 p.P25 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P25 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 p.P26 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P26 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 p.P27 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P27 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 span.T28 {font-family: Times New Roman !important;font-style: italic !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 span.T29 {font-family: Times New Roman !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 span.T30 {font-family: Times New Roman !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 p.P31 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P31 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 p.P32 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P32 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 p.P33 {font-size: 11pt;} div#h5p_6a7c06545b596 p.P33 span {hyphenate: false;font-family: Times New Roman;font-size: 14pt;} div#h5p_6a7c06545b596 span.T34 {font-family: Times New Roman !important;font-size: 14pt !important;} div#h5p_6a7c06545b596 p.Normal {font-size: 11pt;} div#h5p_6a7c06545b596 p.Normal span {hyphenate: false;font-size: 11pt;} div#h5p_6a7c06545b596 span.DefaultParagraphFont {font-size: 11pt;} div#h5p_6a7c06545b596 p.ListParagraph {margin-left: 0.5in !important;font-size: 11pt;} div#h5p_6a7c06545b596 p.ListParagraph span {hyphenate: false;hyphenate: false;font-size: 11pt;} div#h5p_6a7c06545b596 p.Title {border-top: none !important;border-left: none !important;border-bottom: 0.0138in solid #4F81BD !important;border-right: none !important;padding-top: 0in !important;padding-left: 0in !important;padding-bottom: 0.0555in !important;padding-right: 0in !important;margin-bottom: 0.2083in !important;line-height: 1 !important;font-size: 11pt;} div#h5p_6a7c06545b596 p.Title span {hyphenate: false;font-family: Cambria;color: #17365D;letter-spacing: 0.0034in;font-size: 26pt;hyphenate: false;} div#h5p_6a7c06545b596 span.TitleChar {font-family: Cambria !important;color: #17365D !important;letter-spacing: 0.0034in !important;font-size: 26pt !important;} div#h5p_6a7c06545b596 div {font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO1LVL1 {font-family: Symbol !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO1LVL2 {font-family: Courier New !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO1LVL3 {font-family: Wingdings

!important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO1LVL4 {font-family: Symbol !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO1LVL5 {font-family: Courier New !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO1LVL6 {font-family: Wingdings !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO1LVL7 {font-family: Symbol !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO1LVL8 {font-family: Courier New !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO1LVL9 {font-family: Wingdings !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO2LVL1 {font-family: Symbol !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO2LVL2 {font-family: Courier New !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO2LVL3 {font-family: Wingdings !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO2LVL4 {font-family: Symbol !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO2LVL5 {font-family: Courier New !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO2LVL6 {font-family: Wingdings !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO2LVL7 {font-family: Symbol !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO2LVL8 {font-family: Courier New !important;font-size: 11pt;} div#h5p_6a7c06545b596 span.WW_CharLFO2LVL9 {font-family: Wingdings !important;font-size: 11pt;} div#h5p_6a7c06545b596 p.P16 span {hyphenate: false;hyphenate: false;font-size: 11pt;} div#h5p_6a7c06545b596 p.P18 span {hyphenate: false;hyphenate: false;font-size: 11pt;} div#h5p_6a7c06545b596 p.P20 span {hyphenate: false;hyphenate: false;font-size: 11pt;} div#h5p_6a7c06545b596 table {margin-left: 0in;border-collapse: collapse;writing-mode: lr-tb;font-size: 11pt;} div#h5p_6a7c06545b596 table tr {height: 0in;keep-together: auto;font-size: 11pt;} div#h5p_6a7c06545b596 table td, table th {background-color: transparent;vertical-align: top;wrap-option: wrap;font-size: 11pt;} div#h5p_6a7c06545b596 p {keep-with-next: auto;keep-together: auto;widows: 2;orphans: 2;break-before: auto;border: none;text-align: left;writing-mode: lr-tb;margin-bottom: 0.1388in;line-height: 1.15;background-color: transparent;font-size: 11pt;} div#h5p_6a7c06545b596 p span {font-family: Calibri;font-weight: normal;font-style: normal;text-transform: none;font-variant: normal;text-shadow: none;letter-spacing: normal;font-size: 11pt;background-color: transparent;text-decoration: none;text-decoration-color: font-color;language: en;country: IN;hyphenate: true;}

General Exceptions Under IPC: Infancy and MistakeThe general rule is that the person is presumed to know the nature and consequence of the act, thus whoever commits crime gets

punished for the same. There are certain following exceptional situations where a person commits a crime yet he does not get punishment:Excusable exception- where the person lacks mens rea required to constitute an offence punishable under lawJustifiable exception- where the circumstances under which the act is committed provides legal justificationIndian Penal Code (IPC) provides for the following general exceptions:INFANCYAn accused is not held responsible for the crime due to his legal incapacity to commit an offence owing to the age of the perpetrator. Children below the age of 7 years are given absolute immunity under IPC i.e. nothing is an offence which is committed by a child below 7 years of age. Such children are known as doli incapax, they are considered in law to be incapable of forming criminal intention necessary for crime. Hence, such children are completely protected from prosecution and punishment. These children can never be arrested or tried at the court of law irrespective of the crime they might have committed even with the requisite mens rea. Children between the ages of 7 to 12 years are given conditional immunity under IPC i.e. nothing is an offence which is done by a child above 7 years and below 12 years of age who has not attained sufficient maturity of understanding the nature and consequences of the act committed. In this case the test is, whether the chid possess requisite mental understanding to judge the nature of his conduct. If the child possesses understanding to comprehend the nature and consequences of his act then he shall be held liable for the same otherwise he shall be given defence under Section 83 of IPC.There is no provision under IPC to extend immunity to the children above 12 years of age but with the development of child rights it was realized that children up to 18 years are of tender mind and hence they also deserve immunity. Therefore Juvenile Justice Act was created which guaranteed legal protection to children up to 18 years of age and it focused on reformation of children rather than punishment. Hence such children who were held liable by the special courts for an offence were sent to reformation centres instead of jails. However in the recent amendment of the Act it has been stated that if a child between 16-18 years is guilty of a heinous crime which is punishable with 7 years or more shall be treated as adults if the Juvenile Justice Boards decides so and may be tried as a normal offender.MISTAKEPrinciple: Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it.Mistake is a slip made, not by design but by mischance. Mistake can be admitted as defence provided: The state of things believed to exist would, if true would have justified the act doneMistake must be reasonableMistake relates to the fact and not lawIgnorantia facti doth excuse i.e. ignorance of fact is excusable. Mistake of fact is the result of lack of mental alertness or forgetfulness which is induced by ignorance,

misapprehension or misunderstanding of the truth and resulting in some act or omission. Mistake of fact is allowed as defence when the act done was an order from the superior i.e. the person was bound by law to do it. If the person executes an obvious illegal command of the superior then this shall not be a valid defence as the servant should exercise his own judgement.When an act is done by any person who is justified by law or under a mistake of fact the person in good faith believes that the act is justified by law then he shall get such defence under the criminal law.Mistake of fact is no defence if the fact in itself is illegal e.g. A cannot take a defence under mistake of fact that he was intending to kill X and he mistook Y as X and shot him.Ignorantia juris non excusat i.e. ignorance of law is no defence. Everybody is bound to know the law of land and ignorance of law is no excuse. This is based on the assumption that if a person exercises due care and diligence he would know the law. ‘Mistake of law’ means mistake as to existence of any law on a particular subject as well as mistake as to what law is. If this is allowed as a defence, then every person would plead ignorance of law and escape punishment leading to total failure of justice.If there is a mixed question of law and fact then it shall be treated as a question of fact if the accused was misled into an error of fact on account of an error of law. Also one cannot plead ignorance of fact when responsible inquiry would have elicited the true facts. An act done by virtue of a judgment or order of a Court while in force even if Court had no jurisdiction, but person in good faith believes Court had jurisdiction then such person shall be allowed defence under the law. Also if a judge does an act in the exercise of power given by law which in good faith he believes that he is capable under law to do it then he shall also get defence. In all the above cases of mistake of fact defence under criminal law is given because the act lacks mens rea or an intention to commit an offence or to do something wrong but they are committed under good faith. Good faith requires not logical infallibility but due care and attention.Thus an act done under mistake of law is no defence but if done under mistake of fact by exercising good faith then it shall be a defence.(function($) { //footnotes $('.defaultNote').children(":first").css('cursor', 'pointer'); $('.defaultNote').children(":first").click(function(){ var gotoID = '#' + $(this).parent().attr('id'); $('html, body').animate({ scrollTop: $('a[href="' + gotoID + '"]').offset().top - 60, }, 250, 'linear') }); }(jQuery)); var numFormat = ",."; (function($) { "use strict"; //do some cleaning on load var sortCells = $('td[data-sorting], th[data-sorting]'); sortCells.each(function(){ var first = $(this).text().trim().charAt(0); if (first == '@'){ var oldHTML = $(this).html(); var newHTML = oldHTML.replace('@', ''); $(this).html(newHTML); } }); function sortingTable(node, pos, ordBy){ var rows = node.children('tbody').children('tr').get(); rows.sort(function(a, b) { var X = $(a).children('td').eq(pos).text().toUpperCase(); var Y =

$(b).children('td').eq(pos).text().toUpperCase(); if (numFormat != '.,'){ //we are dealing with a different locale and we need to do some //transformation in numbers X = convert2number(X); Y = convert2number(Y); } else { X = X.replace(/,/g, '').replace(/ /g, ''); Y = Y.replace(/,/g, '').replace(/ /g, ''); } var currencies = ['$', '¥', '£', '€']; var arrayLength = currencies.length; var XX = X; var YY = Y; for (var i = 0; i < arrayLength; i++) { XX = XX.replace(currencies[i], ''); YY = YY.replace(currencies[i], ''); } if (!isNaN(XX) && !isNaN(YY)){ var floatXX = parseFloat(XX); var floatYY = parseFloat(YY); return -(floatYY-floatXX) * ordBy; } else if (!isNaN(XX) && isNaN(YY)){ return -1 * ordBy; } else if (isNaN(XX) && !isNaN(YY)){ return ordBy; } else { if(X < Y) { return -1 * ordBy; } if(X > Y) { return 1 * ordBy; } return 0; } }); $.each(rows, function(index, row) { node.children('tbody').append(row); }); } function removeTableCellDecoration() { $("td[data-sorting], th[data-sorting]").removeClass('sortDecorator'); } //unbind the click event just in case we are loading more than one document $("td[data-sorting], th[data-sorting]").off('click'); $("td[data-sorting], th[data-sorting]").click(function(){ removeTableCellDecoration(); $(this).addClass('sortDecorator'); //get desired ordering var ordering = $(this).attr('data-sortOrdering'); if (ordering == 'ASC'){ var ordBy = -1; $(this).attr('data-sortOrdering', 'DESC'); } else { var ordBy = 1; $(this).attr('data-sortOrdering', 'ASC'); } var cellPosition = $(this).prevAll().length; var table = $(this).parents('table:first'); sortingTable(table, cellPosition, ordBy); }); function convert2number(str) { str = str.trim(); if (str.match(/^\d+/)) { //we have to take special care when the thousand separators are '.' var result_0 = str.replace(/\./g, '_@_'); var result_1 = result_0.replace(window.numFormat[0], '.'); var result = result_1.replace(/_@_/g, ''); result .replace(/ /g, ''); return result; } else { return str; } } }(jQuery));

Read our previous post on offences against property under ipc here.

Take our test on offences against property under ipc here.

Read our post on the Landmark Judgements of 2019-2020.

Read our post on Elements of Crime.

Read CLATapult's post on offer and acceptance here. Also, try their mocks for more legal reasoning practice questions.