BLOGS

IPC Notes- Culpable Homicide and Murder

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Introduction

The Indian Penal Code is a comprehensive set of rules in India that govern criminal acts. Offences Affecting the Human Body are one of the principal categories of offences covered by the IPC. This section contains homicide, assault, and other violent crimes that endanger a person's physical well-being. In this article, we will look at two provisions from the Indian Penal Code that fall under this category: **Sections 299 and 300**.

Culpable Homicide under Section 299

Culpable Homicide is dealt with in **Section 299 of the IPC**. The word "culpable homicide" refers to the act of killing another human. According to the provision, culpable homicide is committed when the act that causes death is done with the purpose to cause death or with the knowledge that it is likely to cause death. It also encompasses circumstances when the act is committed with the purpose to inflict bodily harm that is likely to result in death, or with knowledge that such bodily harm is likely to result in death.

Elements of Culpable Homicide

When assessing culpable homicide under Section 299 of the IPC, three important criteria must be examined.

- To begin, the accused must have been responsible for the death of another person.
- Second, the accused must have had the purpose to kill or knowledge that the act is likely to kill.

- Finally, the act of causing death must have occurred without justification or excuse within the law.

A case of culpable homicide under Section 299 of the Indian Penal Code might be one in which a person strikes another person with a dangerous weapon, such as a knife, with the goal of inflicting death, and the victim dies as a consequence of the attack. In this situation, the perpetrator of the crime may face culpable murder charges under Section 299 of the Indian Penal Code. However, if the conduct was performed in self-defence, the act may not be termed culpable murder.

Murder under Section 300

Murder is dealt with in **Section 300 of the Indian Penal Code**. Murder is one of the most serious offences under the IPC and is punished by life in prison or the death sentence. However, not all homicides are considered murder by the law. In some cases, a person may be charged with culpable homicide, which is a lower offence than murder.

Elements of Murder

Section 300 of the IPC states that a person is guilty of murder if the following factors are present:

1. The act of causing death: The accused must have killed another person.
2. The purpose to cause death: The accused must have had the intent to kill the victim. Alternatively, the accused must have known that their conduct were likely to result in the victim's death.
3. The act was committed with the knowledge that it would result in death: The accused must have been aware that their acts were likely to result in the victim's death.

If all three factors are present, the offender might face murder charges.

If any of these factors is missing, the accused may not be convicted of murder but may be guilty of culpable homicide. For example, if a person kills another person but did not plan to kill them, they may be charged with culpable homicide but not murder. Similarly, if a person kills another person without understanding that their acts were likely to result in death, they may be guilty of culpable homicide but not murder.

A basic example of this principle is when someone gets into a fight with another person and hits them. The person collapses and smashes their head, killing them. If the individual who punched the victim did not mean to kill them and had no idea their actions would result in death, they may be guilty of culpable homicide but not murder.

Exceptions to Murder

Murder, which is considered the most terrible crime in Indian law, is defined under Section 300 of the Indian Penal Code. There are certain exceptions to this rule, which implies that a person may not be charged with murder even though they caused the death of another person. Section 300 specifically mentions the following exceptions:

1. Grave and Sudden Provocation: If a person kills another person in the heat of passion as a result of grave and sudden provocation, they may not be charged with murder. This exemption applies if the provocation is so severe and immediate that it deprives the individual of self-control and causes them to kill the other person.
2. Exercise of Right to Private Defence: If a person kills another person while exercising their right to private defence, they may not be charged with murder. This exemption applies if the individual reasonably believes that they are facing death or serious bodily damage and that the only option to defend themselves is to kill the other person.
3. Public servant acting in good faith: If a public worker kills another person while operating in good faith and carrying out their official responsibilities, they may not be charged with murder.
4. Sudden Fight: If two people have a sudden fight and one of them kills the other in the heat of passion produced by the fight, they may not be charged with murder.
5. Consent: If a person kills another person with their consent, they may not be charged with murder. This exemption, however, only applies if the permission was provided willingly and with full awareness of the nature and consequences of the act.

It is vital to remember that the courts closely interpret these exceptions, and the accused bears the burden of demonstrating them. If the prosecution can establish beyond a reasonable doubt that the accused is guilty of murder, these exceptions will not apply, and the accused will be found guilty.

Difference between Culpable Homicide and Murder

Sections 299 and 300 of the Indian Penal Code distinguish between culpable homicide and murder. While both charges entail the taking of a human life, there are important distinctions between them.

Section 299 of the IPC defines culpable homicide as causing the death of a person with the purpose to cause death or with knowledge that such an act is likely to cause death, but without any of the specified aggravating elements that would render the crime murder. These situations include, but are not limited to, employing poison or explosives to cause death, or causing death while performing an act punishable by death or life imprisonment.

Murder under section 300 of the IPC, on the other hand, requires causing the death of a person with the purpose to cause death or with knowledge that such an act is likely to cause death, as well as any of the particular aggravating circumstances listed in the section.

The existence or absence of explicit intent to cause death is one of the main distinctions between culpable homicide and murder. The intention to cause death may be present in culpable homicide, but it may also be absent, with the perpetrator having simply awareness that their act is likely to cause death. Murder always involves the purpose to cause death or the knowledge that such a conduct is likely to result in death.

Another key distinction between the two offences is the severity of the punishment. While both culpable homicide and murder are serious offences, murder carries a harsher penalty. Murder is penalised by life in prison or the death penalty, whilst culpable homicide is penalised by up to 10 years in jail, a fine, or both.

To summarise, the distinctions between culpable homicide under section 299 and murder under section 300 of the IPC are essentially determined by the existence or lack of intent to cause death, as well as the precise aggravating circumstances that raise the offence to murder. It is critical that legal experts and the general public grasp these distinctions in order to guarantee that justice is done in situations involving the loss of life.

Landmark Cases

The following are a few landmark cases on culpable homicide and murder which will help illustrate the differences between the two better.

The accused in ***Prasad Swanker v. Ranjit Kumar*** was charged with murder, but he maintained that he acted in self-defence to protect himself. The deceased was suspected of being engaged in a robbery, which strengthened his claim of self-defence. The court determined that the evidence gathered from the crime scene and the injuries received by the accused increased the likelihood that the plea of self-defence was true. As a consequence, the accused's murder conviction was reversed and upheld by the court.

In the case of ***Subha Naik v. R***, a constable killed someone on the orders of a higher authority. However, it was discovered that neither the constable nor his superiors thought that shooting on a specific group was required for public safety. As a result, the policeman was charged with murder because he failed to follow the directions of his superiors.

This implies that even if a person is obeying their superiors' directions, they can still be charged with murder if it is shown that they did not act in line with the law or in the interest of public safety. Individuals must ensure that they are acting within the bounds of the law, even if they are acting on commands from superiors, in order to avoid being held legally accountable for their activities.

Important Questions on Murder and Culpable Homicide

1. Distinguish between culpable homicide and murder in the light of Reg v. Govinda?
2. When does culpable homicide not amount to murder? [U.P.C.J.2015]
3. What do you understand by culpable homicide? When does culpable homicide amount to murder and what are its exceptions?
4. An army Jawan 'X' who was away from his home for the last two years, requested his senior 'Y' for leave, which 'Y' refused. Annoyed at this, 'X' fired two shots at 'Y', one-shot hitting 'Y' beneath the knee of the right leg as a result of which he fell down. 'X' fired another shot, which hit 'Y' at the upper left arm. 'Y' died after ten days. Discuss the liability of 'X'. [U.P.H.J.S. 2012]
5. A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Has A committed the offence of culpable homicide?

Check out MCQs on Culpable Homicide and Murder