BLOGS

IPC Notes- Culpable Homicide and Murder [Part 2]

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Introduction

The Indian Penal Code (IPC) has various sections for penalizing acts that endanger or take someone's life **[Read: Culpable Homicide and Murder]** This article will go through some of the most important portions in this category, including the IPC sections 301, 302, 303, and 304. These rules define the various categories of culpable homicide, including murder, as well as the associated penalties. The IPC also allows for the death penalty in some circumstances, such as murder committed by someone already serving a life sentence.

Section 301 of IPC

Section 301 of the Indian Penal Code addresses the crime of culpable homicide by causing the death of someone other than the intended victim. This provision states that if a person causes the death of another person who was not the intended target, the perpetrator will still be charged with culpable homicide.

This section's elements include causing a person's death, intending to kill another person, and killing someone other than the intended victim. It is critical to emphasize that the individual must have intended to cause death in order to be found accountable under this provision. This means that if a person accidently causes the death of another person, they cannot be held accountable under this clause.

For example, a man wishes to murder his adversary by poisoning their meal. In this situation, the adversary was the intended target, and the individual planned to kill them. However, if a third

person eats the poisoned food and dies as a result, the person who poisoned the food would be held accountable for culpable murder under Section 301 of the Indian Penal Code. This is due to the fact that the death of the third person was caused by the activities of the person who planned to kill their opponent.

Section 302 of IPC

Section 302 of the Indian Penal Code addresses the application of the death penalty on people who commit murder. The goal of punishing offenders is to keep them from committing the same crime again and to foster rehabilitation. Nonetheless, certain heinous acts justify only the death sentence, often known as capital punishment. Capital punishment is a historical kind of punishment in which an offender is lawfully executed. **Section 367(5) of the 1898 Code of Criminal Procedure** compelled the court to impose a death sentence in murder cases prior to its revision in 1955, however this need was deleted, and the court was no longer required to present a rationale for imposing the death penalty.

As established in ***Bachan Singh v. State of Punjab*** (1980), when the accused was convicted of triple murder, the IPC reserves the death punishment for the rarest of rare circumstances. Specific grounds must be shown if a crime deserves capital punishment, according to Section **354(3) of the Code of Criminal Procedure 1973**. The court concluded that it is an unusual type of punishment and should only be employed in extreme instances, in addition to the punishments specified in the Indian Penal Code. However, there is still disagreement about whether offences qualify as such exceptional circumstances, prompting opponents to question the state's or judiciary's control over someone's life through execution. Section 302 of the IPC defines the death penalty for murder in order to deter criminals and enable rehabilitation.

Although certain serious crimes deserve it, death punishment entails authorized execution and has a long history. The necessity for a judicial explanation while imposing the death penalty, which was formerly stipulated under **Section 367(5) of the Criminal Procedure Code of 1898** , was repealed in 1955.

Imprisonment is a common punishment for illegal offences, with three forms defined in **Section 53 of the Indian Penal Code:** simple, life, and harsh imprisonment. Life imprisonment is normally reserved for serious offences such as murder and entails detention until clemency or death. While less severe than capital punishment, it nonetheless has a substantial impact on the

guilty person.

Fines can be levied under Section 302 of the IPC to punish murder in addition to death or life imprisonment; however, fines are often used to penalise smaller offences such as fraud and embezzlement based on criminal severity as decided by courts.

The Supreme Court rejected the contention that the death sentence breaches basic rights under Articles 14 and 21 of the Indian Constitution in the ***Jagmohan Singh case in 1972***. The Court ruled that judges had discretion to determine the severity of punishment based on the circumstances of the offence. The Court also found that due process is fulfilled in all cases, hence the death sentence is not unconstitutional. As a result of this decision, the Code of Criminal Procedure 1898 was replaced by the Code of Criminal Procedure 1973, which governs the execution of death penalties.

Section 303 of IPC

Section 303 of the Indian Penal Code provides for the death penalty for persons who commit murder while serving a life sentence. The Supreme Court explained in ***Mahabir Gope v. State of Bihar*** that the rule applies in circumstances where the defendant is serving a life sentence under **Section 302 with Section 34 or Section 149**. This is meant to penalise repeat criminals who have hardened and constitute a threat to society, and for whom life imprisonment may not be an effective deterrent or means of rehabilitation.

Another rationale for including Section 303 is to safeguard jailers from dangerous criminals who may continue to conduct violent crimes while serving a life sentence. The clause acts as a deterrence to future prospective offenders, delivering the message that such offences will not be condoned and will result in the most severe punishment permitted by law.

The validity of section 303 of the IPC was challenged in ***Mithu Singh v. State of Punjab***, with the petitioner claiming that it breaches Articles 14 and 21 of the Indian Constitution. Section 303 was found invalid and illegal by the Constitutional Court because it breaches these articles. The court found no logical distinction between someone who murders after serving a life sentence and someone who murders while serving one. In light of the **Law Commission's 42nd report**, the court overturned the provision. Currently, life inmates who commit murder will be prosecuted under Section 302 of the IPC.

Section 304 of IPC

Section 304 of the Indian Penal Code addresses the penalty for negligent homicide that does not equal to murder. The provision divides the offence into two categories: culpable homicide not amounting to murder and culpable homicide not amounting to murder by killing anybody other than the person whose death was planned. The former is punishable by imprisonment for up to 10 years, whereas the latter is punishable by life imprisonment or imprisonment for up to ten years, together with a fine.

The phrase “culpable homicide” refers to the act of killing someone without any intent to kill or with awareness that such an act is likely to kill. Culpable homicide is less serious than murder, which includes the intent to kill. However, it is still a serious offence that can result in severe punishment under the law.

Section 304 of the IPC recognizes that there may be circumstances in which a person accidentally causes death yet nonetheless bears some responsibility for it. For example, a person who causes death while driving under the influence of alcohol or drugs may be charged with culpable homicide, which is not the same as murder. Similarly, a person who causes death by negligently using a dangerous weapon or piece of equipment may be charged with this offence.

The Supreme Court was requested to decide whether the appellant may be prosecuted under Section 304 of the IPC in the matter of ***Harendra Nath Mandal v. State of Bihar***. The court determined that Section 304 of the IPC does not constitute or define any offence, but rather imposes penalties for culpable homicide that does not amount to murder. The court further stated that in order for an accused to be convicted and punished under Part I and Part II of Section 304, a death must occur under one of the five exceptions listed in Section 300 of the IPC.

In ***Kedar Prasad v. State of Madhya Pradesh***, the Court determined that Kedar Prasad’s lethal blow on the deceased was the sole cause of his death. As a result, his conviction and imprisonment under IPC Section 304 (Part I) were upheld. However, Ramlal’s conviction was changed from Section 304 (Part I) to Section 324 of the IPC since his involvement was not as serious as Kedar Prasad’s. The Court ruled that in order to be charged under Section 304 (Part I) of the IPC, there must be a purpose to cause physical harm sufficient in the regular course of nature to cause death, but without the intent to kill. The Court determined that Ramlal’s harm with a spear to the deceased’s knee and arm was insufficient to trigger the provisions of Section 304 (Part I) of the IPC. As a result, his conviction was changed to Section 324 of the IPC, which

deals with inflicting harm willingly using hazardous weapons or means.

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