BLOGS

IPC Notes- General Exceptions under the IPC (Part 1)

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Introduction

The Indian Penal Code (IPC) is a thorough law in India that details all criminal offences. While the IPC lists numerous kinds of criminal offences, there are also several broad exceptions that can be used to fight against criminal charges.

The Indian Penal Code (IPC), 1860 recognizes in Chapter IV “General Exceptions” under Sections 76 to 106 that provide exceptions that provide people with a legal foundation for defending themselves against charges made against them.

In this article, we will go over each of the basic exceptions found in IPC sections 76 to 79.

General Exceptions from Section 76 to 79

Section 76 of the IPC offers an exception for people who perpetrate a criminal act because they think they are lawfully obligated to do so. This exception applies to police officers, public authorities, and people who behave in good faith because they think it is their lawful obligation to do so. For example, if a police official arrests a criminal, they are fulfilling their legal duty to defend the law. If the person being detained fights capture and is hurt as a result, the police officer may not face criminal charges if they were operating within the extent of their lawful responsibility.

Similarly, public officials who act in good faith and within the extent of their lawful power may be protected by this exception. For example, if a public official executes a demolition order on a building that the government has deemed unsafe, they may not be held legally responsible if the

building falls and injures someone in the process.

Judges who operate within the purview of their judicial power are protected under **Section 77 of the IPC**. This exception acknowledges that judges have a responsibility to carry out their responsibilities impartially and without fear or favour. For example, if a judge sends someone to prison for a crime they were found guilty of, but the person is later found to be innocent, the judge may not be held legally responsible for the damage done to the innocent person because they behaved within the purview of their judicial power.

Overall, these exceptions shield individuals who carry out their legal responsibilities in good faith and within the extent of their legal power from criminal prosecution. They guarantee that people are not penalised for carrying out what they perceive to be their legal obligations or making choices that are within their legal authority.

Individuals who perform a deed in accordance with a judicial ruling or judgement have an exception under **Section 78 of the IPC**. This means that if a person is acting in accordance with a judicial order and lacks the power to challenge the legality of that order, they may be able to use Section 78 as an exception in court. For example, if a judge orders a police officer to remove someone from their property, the officer is lawfully compelled to carry out the removal.

Section 79 of the IPC offers an exception for people who commit an act that is legal, or who think they are legal. This defence may apply in circumstances where a person acted in self-defense or property defense, or acted in compliance with a lawful obligation or authority. For example, if a person witnesses someone trying to take their property, they have the right to use reasonable action to prevent the theft. If the criminal is hurt during the confrontation, the individual may use Section 79 in court to argue that they were right in using force to protect their property.

In summary, Sections 78 and 79 of the IPC are exceptions that may be used in certain circumstances to excuse criminal behavior. Section 78 applies to situations where a person is carrying out an act in accordance with a court order, while Section 79 applies to situations where a person's behavior is justified by law.

Difference between Section 76 and Section 79

Section 76 and Section 79 of the IPC are both exceptions available to a person who has committed an act that would otherwise be considered a crime. However, there is a key difference between

the two sections.

Section 76 gives an exception to a person who has committed an act that they were legally obligated to do or who mistakenly thought they were legally obligated to do. This exception applies when a person is lawfully compelled to do something and does so, even if the act causes damage or injury to another person. For example, if a doctor gives an injection to a patient that causes an unfavourable response, but the doctor thought the injection was required to save the patient's life due to a factual error, the doctor may use Section 76 as a defence in court.

Section 79, on the other hand, offers an exception to a person who has done an act that is legally justified or who mistakenly believes that their act is legally justified. This defence occurs when a person commits an act in self-defense, property defense, or the execution of a legal obligation or authority. For example, if a police officer shoots and murders a suspect who was threatening them with a firearm, the officer may argue in court that they were warranted in using deadly force to defend themselves under Section 79.

In summary, while both Section 76 and Section 79 provide defenses for acts that would otherwise be considered crimes, Section 76 applies to acts that a person is legally bound to carry out, while Section 79 applies to acts that are justified by law or in the performance of a legal duty.

Conclusion

The general exception under sections 76 to 79 of the IPC give people legal reasons to defend themselves against criminal accusations. These defences acknowledge that people may be forced to perform certain actions or may act in good faith in accordance with their legal duties. They also acknowledge that judges have a responsibility to exercise their legal power impartially and without fear or favour. Finally, these defences recognise that people may act in accordance with a judicial ruling or judgment, or they may act in accordance with their legal responsibilities or authority.

Previously Asked Questions

1. A Soldier A fires on a mob by the order of his superior officer in conformity with the commands of the law. Has A committed any offence? Give relevant provision of law. [U.P. APO 1997, WBCJ.1998]

2. A, an officer of a court of Justice, being ordered by that court to arrest A and, after due inquiry, believing Z to be Y; arrests Z. Has A committed any offence? ‘Give reasons and also refer to the relevant provision in this regard. [W.B.C.J. 1993]
3. The accused was beating a person with fists. The wife of the man being beaten intervened with her baby in arms with a view to rescuing her husband. The accused gave a fist blow to her also, which struck the baby, as a result of which it died. On being prosecuted, the accused pleads accident. Decide. [Jharkhand .C.J. 2002]