BLOGS

IPC Notes- Important Definitions under the IPC (Part 2)

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Introduction

This is part two of the series on important definitions under the Indian Penal Code (IPC). The **last post** covered certain important definitions under the IPC. This post seeks to clarify the meaning of frequently used terms and their intended meaning as provided for under the IPC.

Act and Omission

Section 33 of the Indian Penal Code deals with illegal acts and omissions. According to the section, anyone who knowingly aids or abets the conduct of a crime, or intentionally facilitates the commission of an offence by another person, is considered to have done that offence.

In layman's words, this means that if someone assists another person in committing a crime or makes it easy for them to conduct a crime, they can be held legally liable for that offence as well. This encompasses circumstances in which a person urges or advises another person to perpetrate a crime. Section 33 also specifies that a person who is present when a crime is being done but does nothing to avoid it can be held legally liable. This is referred to as criminal omission.

In summation, Section 33 of the Indian Penal Code broadens the purview of criminal responsibility to include those who assist, abet, or enable the crime, as well as those who fail to prevent it.

Meaning of the term "voluntary"

Section 39 of the Indian Penal Code deals with situations where an act is done voluntarily, which is a key element in determining criminal liability. The term "voluntarily" is used in various sections of the IPC, including Section 39.

In the context of Section 39, the term “voluntarily” means that an act was done by a person of their own free will and without any external influence or coercion. It implies that the person had control over their actions and was not compelled or forced to act in a certain way.

For example, if a person assaults another person, the act of assault must have been done voluntarily, meaning that the person acted with their own free will and was not compelled or forced to commit the assault. If the person was acting under duress or was coerced into committing the assault, they may not be held liable for the offense under Section 39.

In criminal law, the element of voluntariness is a crucial factor in determining criminal liability. If an act is done involuntarily or under duress, it may not be considered a criminal offense. However, if an act is done voluntarily, the person who committed the act may be held criminally liable for their actions. Overall, the term “voluntarily” under Section 39 of the IPC refers to acts that are done by a person of their own free will and without any external influence or coercion, and it is an important factor in determining criminal liability.

Meaning of the term “injury”

Section 44 of the Indian Penal Code defines the term “injury” in the context of criminal law. This part defines injury as any harm to a person’s body, mind, reputation/character, or possessions/property.

The word “body” refers to all parts of the human body, and any damage to any part of the body, internal or external, is classified as an injury under the IPC.

Trauma, dread, anxiety, or melancholy are examples of “mind” impairments or harm to a person’s mental or emotional well-being.

The word “image” refers to what others think of a person, and any harm done to a person’s reputation as a result of untrue allegations, slander, or defamation is deemed an injury under the IPC.

Finally, the word “property” encompasses all kinds of property, tangible and intangible, and any harm to a person’s property is deemed an injury under the IPC.

Section 44 of the IPC is important because it serves to clarify the extent of what makes a criminal injury. The inclusion of harm to a person’s image and property in the meaning of injury

acknowledges that harm to these immaterial assets can be as serious as harm to a person's physical body or mental well-being. As a result, regardless of the type of the damage, people can seek legal redress for any harm they have experienced.

Meaning of the term "good faith"

The word "good faith" as it pertains to criminal law is defined in Section 52 of the Indian Penal Code. According to this part, a person acts in good faith if they have a sincere belief that their actions are legal and have no purpose of defrauding, deceiving, or harming anyone.

In criminal situations, the idea of good faith is frequently used as a defence. If an accused person can show that they behaved in good faith, they may be able to escape criminal responsibility even if their actions would otherwise be illegal. It is essential to note, however, that the argument of good faith is not immutable and may not apply in all circumstances.

Section 52 of the Indian Penal Code helps to ensure that people are not unjustly penalised for harmless errors or misconceptions, while still holding those who participate in illegal behaviour responsible. It also promotes transparency and fairness in the criminal justice system by demanding people to carry out their activities in good faith and with honest goals.

Meaning of the term "harbour"

The word "harbour" is defined in Section 52A of the Indian Penal Code, and it describes the conditions under which a person can be held criminally liable for giving shelter or other help to someone who has done a crime.

According to this part, a person is said to "harbour" another person when they intentionally provide shelter, help, or any other form of support to that person in order for that person to avoid arrest or penalty for a crime.

If a person is found guilty of harbouring someone who has done a crime, they can face up to three years in jail and punishment.

Section 52 A's goal is to prevent people from assisting criminals and to hold those who perpetrate crimes responsible for their actions. The legislation aims to avoid future offences and promote public safety by placing criminal liability on those who harbour criminals.

It is essential to note that the crime of harbouring necessitates the presence of purpose. Under this provision of the Indian Penal Code, a person who unwittingly gives refuge or aid to someone who has done a crime may not be held liable. They may be found culpable of harbouring if it can be demonstrated that they were conscious of the person's illegal activity and gave assistance with the purpose of assisting them in evading punishment.