BLOGS

IPC Notes- Introduction to IPC

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What is criminal law?

Criminal law is a branch of law that deals with public offences and punishments. It involves prosecuting people who break the law and determining their guilt or innocence. Criminal law defines various offences, like murder, theft, assault, and fraud, and it tells you how to prosecute and punish them. Criminal law aims to keep society order, protect public safety, and serve justice to victims and society as a whole. In Ancient India criminal law has its origin in Manusmriti; hence it is also known as the Manushastra or the 'law of Manu'.

Categories of crimes

In India, criminal law is classified into three categories based on the nature and gravity of the offence committed-

1. Minor offences punishable by fine and/or imprisonment for a limited period.

2. Serious offences punishable by imprisonment for life or imprisonment for a term which may extend to 10 years or more or with fine or both.

3. Offences relating to Scheduled Castes and Scheduled Tribes and those related to certain special categories such as drug trafficking, piracy, etc.

Relevant Statutes

In India, criminal law is governed by the Indian Penal Code (IPC), which was passed in 1860. The IPC defines what counts as a crime and what the punishments are.

Also important is the Criminal Procedure Code (CrPC) which deals with procedure for administration of substantive criminal law in India. Along with laying out the procedures to be followed in criminal cases, the CrPC defines the rights of the accused, such as the right to legal representation and the right to a fair trial.

The Indian Evidence Act of 1872 contains a standard set of rules and governing admissibility of evidence in the Indian Courts of law.

Ingredients of a crime

The ingredients, also known as elements, of a crime generally consist of the following:

1. Actus reus: This refers to the criminal act or conduct that is prohibited by law. It could be an affirmative act or an omission to act.

2. Mens rea: This refers to the guilty mind or intent to commit the crime. The level of intent required depends on the specific crime, ranging from purposely or knowingly to recklessly or negligently. Mens rea and actus rea are two fundamental components of a crime that must be proven to establish criminal liability.

3. Concurrence: This means that the criminal act and the intent to commit the crime must occur at the same time.

4. Causation: This means that the criminal act must cause the harm or injury that is the subject of the offence.

5. Harm: This refers to the injury or harm caused by the criminal act. It could be physical, emotional, or financial harm.

6. Legality: This means that the criminal act must be prohibited by law at the time it was committed.

Stakeholders in the criminal process

Several stakeholders are involved in the Indian criminal justice system, including the police, the prosecution, the judiciary, and the correctional institutions, each trying to ensure the implementation of the rule of law. Each stakeholder works as a part of the process to ensure there's a smooth running of the system. The Police, the public prosecutor, the Defence Lawyer, and the Judge are the four main players in the criminal justice system with each playing their parts in helping reduce crime, rehabilitate criminals and create a better society.

Standard of proof

According to the Indian law, a standard of proof known as beyond reasonable doubt is used in criminal proceedings. The prosecution must demonstrate its case against the accused beyond any reasonable doubt and that the evidence cannot be used to explain the accused's behaviour in any other logical manner. As a result, the evidence presented in the trial should be sufficient to convince the judge or jury of the accused's guilt to a high degree of certainty.

In civil cases in India, the standard of proof is on the balance of probabilities. As such, the plaintiff must demonstrate that their version of events is more likely than not true to prove their case. It is important that the evidence presented convinces the court that the plaintiff's version of events is more likely to be true than the defendant's.

Burden of proof

It is the prosecution's responsibility to prove the case beyond a reasonable doubt in Indian criminal cases, and it is not the responsibility of the accused to prove their innocence. In the absence of a reasonable doubt, the prosecution must acquit the accused. All charges against the accused will be dropped and the accused released immediately if the prosecution cannot satisfy the burden of proof. The defendant may, however, be tried on a lesser charge which may carry a lighter sentence if there is a strong suspicion that he is guilty of the crime.