BLOGS

Landmark Cases on IPC for CLAT PG

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Here are a few landmark cases on IPC to help you prepare better for CLAT.

- Deo Narain v. State of UP: Per Section 102 of the IPC, the right to private defence arises as soon as a reasonable apprehension of danger is felt. This apprehension can arise due to an attempt or threat to commit an act and doesn't necessarily have to depend on the actual commission of the act. The right to private defence continues as long as the apprehension of such danger continues. The threat, however, must be present and imminent and not remote in nature.
- R v. Tolson: It was held that as a general rule, there must be a guilty mind before there is a crime.
- State of Maharashtra v. M.H. George: SC considered the application of the principle of mens rea in statutory offenses. The Court held that unless the statute either explicitly or implicitly rules out mens rea as a constituent element of crime, the accused should not be held guilty of an offence unless he has a guilty mind.
- Bachan Singh v. State of Punjab: The Supreme Court held that death sentences should only be passed in rarest of rare cases.
- Gopal Godse v. State of Maharashtra: Life imprisonment means an imprisonment till the life of the convict and nothing less.
- K.M. Nanavati v. State of Maharashtra: If an accused pleads an exception under the IPC, then there is a presumption against him and the burden to rebut the presumption lies on him. The SC also gave a test of grave and sudden provocation: (i) Whether a reasonable man, belonging to the same class as the accused and placed in the same situation would be provoked in the same way to lose his self-control (ii) Words and gestures may also amount to grave and sudden provocation in certain cases (iii) Mental background created by the victim may also be taken into consideration (iv) The fatal blow should be clearly traced to the influence of passion

arising from the provocation and not after the passion had cooled down by lapse of time, or otherwise giving room and scope for premeditation and calculation.

- Basudev v. State of Pepsu: The Court in this case held that, in terms of knowledge, we attribute to an intoxicated person the same knowledge as he would have had if he were sober. However, when it comes to intention, it needs to be understood keeping in mind the general circumstances of the case along with the degree of intoxication.
- Dominic Varkey v. State of Kerala: The Court held that the idea of private defence rests on 3 ideas: (i) The harm inflicted must not be more than what is necessary for the purpose of defence (ii) There must be reasonable apprehension of danger (iii) The right doesn't commence until there is reasonable apprehension of danger
- Mahbub Shah v. Emperor: The Court held that common intention implies a pre-arranged plan, prior meeting of minds or prior consultation between all persons constituting the group. The Court held down the following principles: (i) Essence of liability under Section 34 is found in common intention (ii)Therefore, to invoke Section 34, it must be shown that the act was done in furtherance of common intention (iii) For the intention to be common, it must be known to all members and be shared by them
- State of Tamil Nadu v. Nalini: The SC held that the association of the accused with the main accused or knowledge of conspiracy would not make the accused a conspirator. Agreement is sine qua non for the offence.

You can find notes on IPC here:

1. Introduction to IPC
2. Ingredients of Crime
3. Introduction to Theft
4. Elements of Theft