BLOGS

Questions on Unsoundness of Mind an Exception to Offence

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Choose the correct option from the following given options:

A. Principle: Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law

Facts: Surendra received divine order in his sleep at night to sacrifice his one year old child and then he will go to heaven after dying. He carries out the order kills his son. He is

a. Guilty of murder

b. Not guilty of any offence since it was the order of God

c. Can plead unsoundness of mind as a defence and he should not be charged for murder

d. Cannot be held liable for murdering his own child

Ans. c

Rationale: Persons who are occasionally ‘possessed’ by the ‘spirits’ and those who being in fits of delirium, very often conjure up visions or images are given benefit of unsoundness of mind.

B. Insanity produced by drunkenness is a

a. Good defence to the crime charged

b. Weak defence to a crime charged

c. Way to reduce the gravity of crime

d. Way to increase the gravity of crime

Ans. b

Rationale: insanity produced by drunkenness is given as defence only when the intoxication was involuntary and it was so high in nature that mental faculties of the person stopped working thus

it becomes difficult to prove it.

C. ‘A’ is at work with a hatchet; the head flies off and kills a man who is standing nearby. No want of proper caution on the part of A. His act is

a. Murder

b. Culpable homicide

c. Excusable, not an offence

d. Causing death by negligence

Ans. c

Rationale: An effect is said to be accidental when the act by which it is caused is not done with the intention of causing it. An accident is something that happens out of the ordinary course of things. The act must be unintentional which cannot be predicted by ordinary prudent man after taking proper care and caution.

D. ‘Legal insanity’ under the Indian Law means-

a. Impairment of will faculty

b. Impairment of emotional faculty

c. Impairment of cognitive faculty

d. None of the above

Ans. c

Rationale: The intoxication must be of such a high degree that a person becomes totally incapable of knowing the nature of the act or that he is doing is either wrong or contrary to law i.e. he totally loose his cognitive faculties to decide what is right or wrong

E. Z under the influence of madness attempts to kill A. In this case which of the following is correct?

a. Z is guilty of attempt to murder

b. Z is guilty of no offence

c. Z is guilty of culpable homicide

d. None of the above

Ans. b

Rationale: the offence committed under madness is no offence as it lacks mens rea.



F. (A): Nothing is an offence which is done by a person who at the time of doing it by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law

(R): Mistake of fact is a good defence and Mistake of Law is no defence

a. Both (A) and (R) are true and (R) is the correct explanation of (A)

b. Both (A) and (R) are true and (R) is not the correct explanation of (A)

c. (A) is true but (R) is false

d. (A) is false but (R) is true

Ans. b

Rationale: defence to an act done by unsoundness of mind is given because it lacks mens rea and not because it is a mistake of fact

G. A not knowing whether it is loaded or not pulls the trigger of a gun pointing at B. B is shot dead. A can:

a. Claim defence of accident

b. Not claim defence of accident

c. Claim defence of mistake of fact

d. Not claim defence of mistake of fact

Ans. b

Rationale: to claim defence of accident it is necessary that a person should have committed a lawful act with proper care and caution.

H. For a defence of intoxication, to escape criminal liability, the intoxication:

a. Can be self-administered

b. Administered against his will or knowledge

c. Should not be self administered

d. None of the above

Ans. b

Rationale: when a person gets intoxicated by mistake or someone administers him intoxicants by using force, fraud or compulsion and in consequence such person commits an offence then he shall get defence under the criminal law

I. Exception of accident is available when an offence is committed while:

a. Doing a lawful act in a lawful manner by lawful means

b. Doing a lawful act in a lawful in any manner by any means

c. Doing a lawful act in a lawful manner by any means

d. Both (b) and (c)

Ans. a

Rationale: to claim defence of accident it is necessary that a person should have committed a lawful act with proper care and caution.

J. Which one of the following is not correct in case of defence of intoxication?

a. Defence of intoxication is available only in case of voluntary and not of voluntary intoxication

b. Intoxication is a defence when the intoxicated person is incapable of knowing the nature of the act at the time of doing it

c. Intoxication is a defence when the intoxicated person is incapable of knowing what he was doing was either wrong or contrary to law

d. None of the above

Ans. a

Rationale: defence of intoxication is given only in cases where intoxication is administered against will or without any knowledge

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