BLOGS

Test your Knowledge on General Exceptions under IPC

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Choose the correct option from the following given options

A. In which of the following cases ‘necessity’ cannot be pleaded as a defence?

a. Self defence and prevention of violence

b. Prevention of harm to the accused at the expense of an innocent person

c. Self preservation is an absolute necessity

d. Choice of evils affecting person other than the accused

Ans. b

Rationale: Taking another’s life in order preserve his own is not a right given to anyone under the defence of necessity

B. The case of **QUEEN V. DUDLEY AND STEPHEN** is known for its use as criminal defence of:

a. Necessity

b. Self defence

c. Good faith

d. Mistake of fact

Ans. a

Rationale: In the case of **QUEEN V. DUDLEY AND STEPHEN 1884** the court laid down the following principles: Self-preservation is not an absolute necessity, taking another’s life in order preserve his own is not a right given to anyone and homicide cannot be justified by any necessity

D. ‘X’ and ‘Y’ swimming in the sea, after a shipwreck got hold of a plank. The plank was not large enough to support both ‘X’ with no other option, pushed ‘Y’ who was drowned. ‘X’ has committed:

a. Culpable homicide

b. Murder

c. The offence of causing death by negligence

d. No offence

Ans. d

Rationale: the act of X was impulsive and there was no planning element attached to it. X only intended to save his own life without any criminal intention towards Y. Thus he shall not be liable for any offence

D. There is a fire in a particular locality. 'A' who sees this fire, pulls down houses of others, in order to prevent the conflagration from spreading and with the purpose of saving human life and property. In this case:

a. 'A' will be guilty of the offence of mischief as he pulls down houses of others

b. 'A' will not be criminally liable as he wanted to bring benefit to the others

c. 'A' will not be liable for any offence as he has done it for preventing other more dangerous harms to persons and their properties

d. 'A' will be guilty as he intentionally caused damage to the property of others

Ans. c

Rationale: under the defence of necessity a smaller harm can be done to prevent a greater harm but not a greater harm to prevent a smaller harm.

E. An act which would otherwise be crime may in some cases be excused if the person accused of it shows that all except

a. It was done only in order to avoid consequences

b. Nothing was done than was reasonably necessary

c. The evil inflicted was not disproportion to the evil avoided

d. None of the above

Ans. b

Rationale: An act which would otherwise be a crime may in some cases be excused if the person accused can show that it was done only in order to avoid consequences which could otherwise be avoided and which if they had followed would have inflicted upon him or others whom he was bound to protect inevitable and irreparable evil that no more was done than was reasonably, necessary for that purpose and that evil inflicted by it was not disproportionate to the evil avoided.



F. ‘Necessity’ as a defence cannot be claimed when the act has been done

a. With good faith

b. Without criminal intent

c. With inherent risk of causing harm

d. For avoiding other greater harm

Ans. c

Rationale: necessity can be claimed as a defence when the act is done for avoiding greater harm under good faith.

G. 'X' a surgeon amputates the right hand index finger of 'Y', a 14 year old beggar, with Y's consent and in good faith that this would enable 'Y' to get more alms:

a. 'X' commits no offence as the act was done with the consent of 'Y'

b. X' commits no offence as the consent of a child of 14 years is of no avail

c. X' commits no offence as the act was done in good faith for the benefit of Y

d. 'X' is not exempted from criminal liability as the act was not done in good faith within the meaning of IPC

Ans. d

Rationale: good faith is to be exercised with reasonable care and caution for the genuine benefits of a person. Herein the act of amputating index finger for monetary benefits is not protected under law

H. A person, who is not qualified as a medical practitioner, performed an operation with the consent of patient. The patient died. Which one of the following grounds will be most appropriate to determine his liability?

a. Volenti *non fit injuria* is a complete defence

b. He has no intention to kill and has performed operation in good faith

c. He has earlier done similar operations with a success

d. As he is not a medical practitioner and is unskilled the plea of consent and good faith will not be available

Ans. d

Rationale: an unskilled person cannot plead good faith when he knowingly performs a task which could be detrimental to others.

I. 'A', a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. 'A' is guilty of:

a. Murder

b. Causing death by negligence

c. Culpable homicide

d. No offence

Ans. d

Rationale: ‘A’ has committed no offence, though he knew it to be likely that the communication might cause the patient’s death because it was necessary to communicate the same to the patient for his benefit and he exercised reasonable care in doing so.

J. ‘X’ a doctor informs his patient ‘Y’ that he as cancer which is in its last stage. ‘X’ requests ‘Y’ to arrange his family affairs as he cannot survive for more than a couple of weeks. ‘Y’ dies because of shock on hearing this. ‘X’ is:

a. Guilty of murder

b. Not guilty

c. Guilty of causing death by negligence

d. Guilty of culpable homicide

Ans. b

Rationale: the communication was made in good faith for the benefit of Y thus X shall not be liable.

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