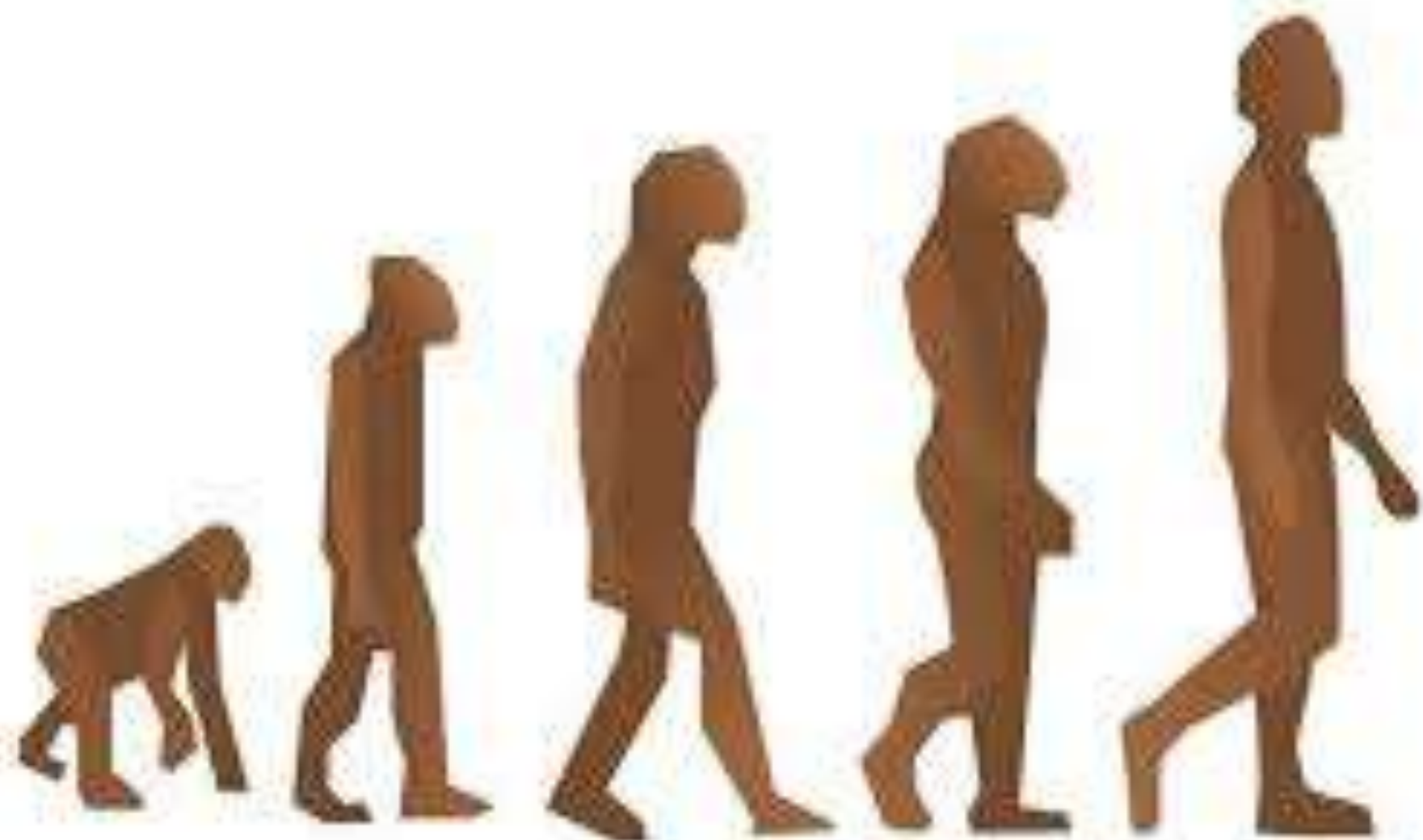




CRIME







- ▶ Every one owes certain duties to his fellow men and at the same time has certain rights and privileges which he expects others to ensure it









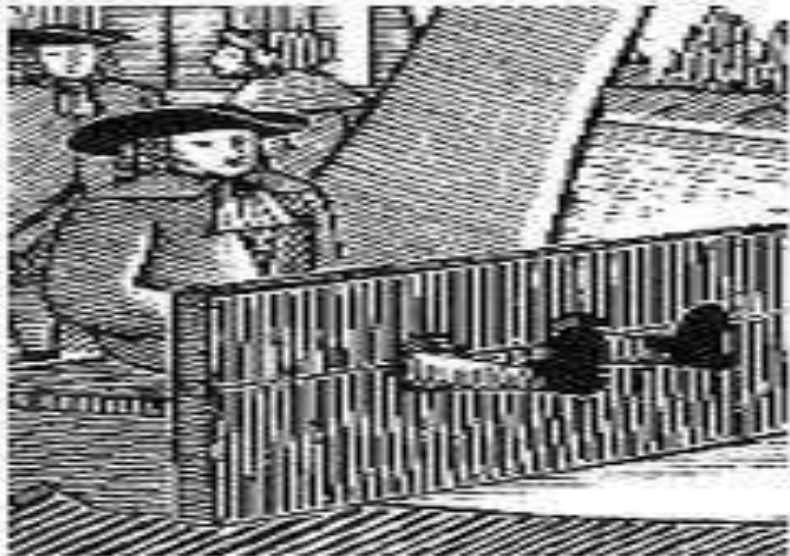
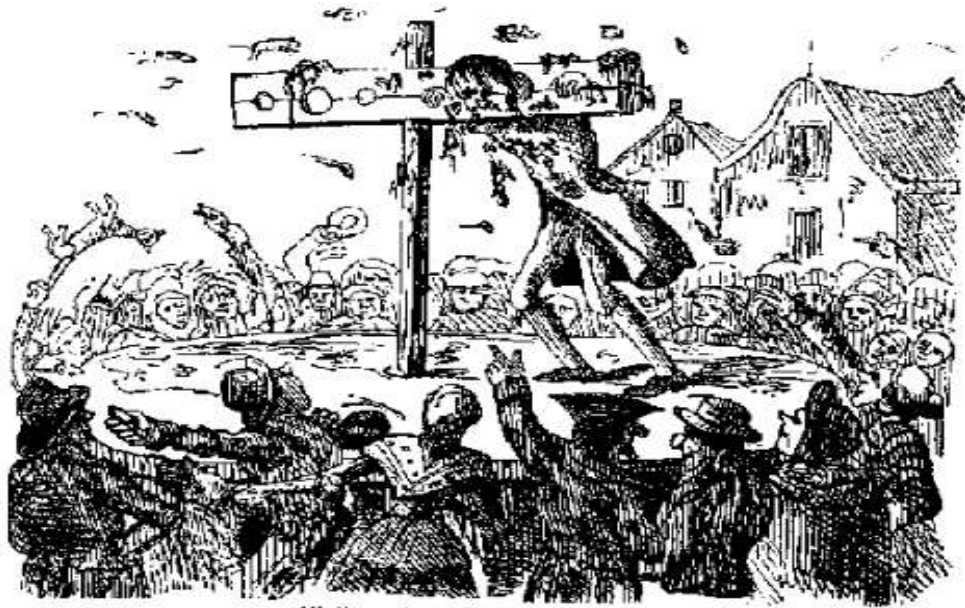




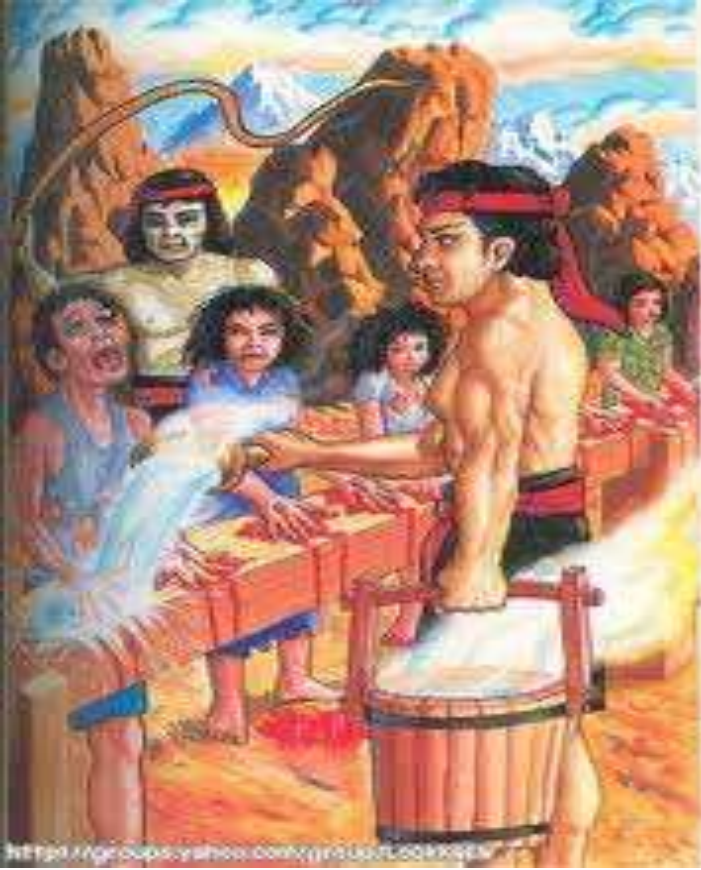






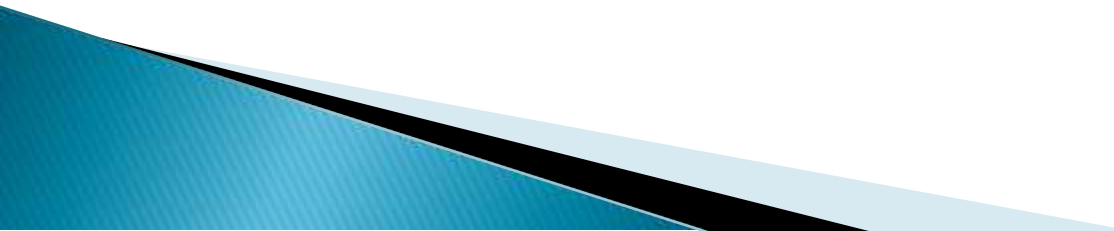






- ▶ **The concept of crime involves the idea of a public as opposed to a private wrong with the consequent intervention between the criminal and injured party by an agency representing the community as whole**



- ▶ The word 'crime' is of origin viz; 'Crimean' which means 'charge' or 'offence'
 - ▶ The word *crime* is derived from the latin root *cernō*, meaning "I decide, I give judgment".
- 

Justice and Divine Vengeance Pursuing Crime



- ▶ **The Waverly Encyclopedia defines it as, “An act forbidden by law and for performing which the perpetrator is liable to punishment”**
- ▶ **James Anthony Froude (1818–94) wrote, “Crime is not punished as offence against God, but as prejudicial to society”**



- ▶ **Mr. Justin Millar contends that the crime is the commission or omission of act which the law forbids or commands under pain of punishment to be imposed by the State**



- ▶ **Halsbury defines crime as, “an unlawful act or default, which is an offence against the public and which renders the perpetrator of the act or default liable to legal punishment”.**



- ▶ **Crime in Indian context–“Crime is a activity that involves breaking the law and enforcements**



- ▶ **Meaning of crime in oxford dictionary–“an offence against an individual or the state which is punishable by law**



- ▶ **Conceptions of crime vary widely from culture to culture and change with time to such an extent that it is extremely difficult to name any specific act universally regarded as criminal**



Crime and Sin

- Sin emanates from religion whereas crime is legal proposition.
- Sin results in violation of rules of religion or morality while crime involves breach of law.
- A sinner is said to be punished by god but a criminal is punished by state.
- There is no direct injury or harm in case of a sin but a crime necessarily involves some kind of direct injury.
- The remedy for a sin is penance whereas a person who commits a crime is subjected to a term of sentence by law.



Crime and morality

Crime is an immoral and harmful act that is regarded as criminal by public opinion because it is an injury to so much of the moral sense as is possessed by the community



✓ Crime and social policy are inter-related and the concept of crime and punishment depends largely on the social values, accepted norms and behavioral patterns of a particular society at a given time

✓ Crime changes with the changes in the society
What is crime today may become a permissible conduct tomorrow



Offence/Crime

Means any act or omission made punishable by any law for the time being in force and includes any act in respect of which a complaint may be made under section 20 of the Cattle Trespass Act 1871

Since there is no satisfactory definition of Crime, the Indian Penal Code, 1860 uses the word 'Offence' in place of Crime. Section 40 of the IPC defines Offence as an act punishable by the Code. An Offence takes place in two ways, either by commission of an act or by omission of an act.

When a Crime is done, any member of the public can institute proceedings against the person accused of the offence. Only in certain exceptional cases, the persons concerned alone can institute the criminal proceedings. Example of such crimes include Matrimonial cases, dowry cases, defamation etc.

Classification of Offence

Bailable and Non-bailable

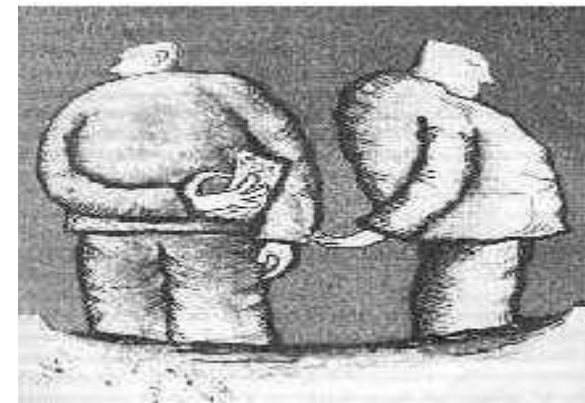


Cognizable and Non-cognizable

Compoundable and Non-compoundable



- ▶ **Bailable Offence**
 - ❑ Section 2(a) defines “Bailable Offence” means an offence which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force
 - ❑ Bail is claimed as a right.
 - ❑ Section 436 Cr. P. C. Is applicable for granting bail
 - ❑ Example:–Bribery



Non– bailable Offence

- ❑ Section 2(a) defines– “Non– bailable Offence” means any other offence other than bailable
- ❑ The Courts use their discretionary power.
- ❑ Section 437 Cr.P.C. Is applicable for the granting of bail
- ❑ Example:–Murder
 - ▶ Bail:– is a security for the accused person for the appearance to answer the charge at a specified time and place

Cognizable and Non-cognizable.

- ▶ Cognizable Offence
- ▶ Section 2(c)– In cognizable offence the police officer
 - ▶ may arrest without warrant.
 - ▶ Section 154 Cr.P.C provides that the police officer has to receive F.I.R. and enters it in General Diary.
- ▶ Example:–
 - ❑ Murder (Section 302IPC)
 - ❑ Dowry (Section 304–BIPC)
 - ❑ Theft(Section 379 IPC)
 - ❑ Rape (Section 376 IPC)

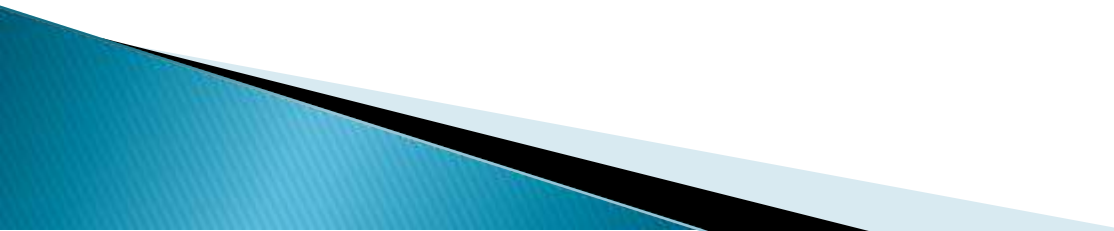
Non-cognizable Offence

- ▶ Police Officer has no authority to arrest without warrant
- ▶ Section 155 Cr.P.C provides that the police officer is not competent to receive and record F.I.R. in non-cognizable offences, unless he obtains the permission from the Magistrate
- ▶ Example:-
 - ❑ Assault (Section 352 IPC)
 - ❑ Cheating (Section 417 IPC)
 - ❑ Forgery (Section 465 IPC)
 - ❑ Defamation (Section 500 IPC)

Compoundable and Non- compoundable offence

Compoundable offences:-

- ▶ Compoundable offences are those offences where, the complainant (one who has filed the case, i.e. the victim), enter into a compromise, and agrees to have the charges dropped against the accused. However such a compromise, should be a "Bonafide," and not for any consideration to which the complainant is not entitled to.

- ▶ **Application for compounding the offence shall be made before the same court before which the trial is proceeding. Once an offence has been compounded it shall have the same effect, as if, the accused has been acquitted**
 - ▶ **The code of criminal procedure lays down the offences, which are compoundable, and which are non-compoundable**
- 

EXAMPLE OF COMPOUNDABLE OFFENCES (WHERE PERMISSION OF COURT IS REQUIRED)

- ▶ Voluntarily causing hurt by dangerous weapons or means.
- ▶ Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.
- ▶ Wrongfully confining a person for three days or more.
- ▶ Assault or criminal force to a woman with intent to outrage her modesty.
- ▶ Dishonest misappropriation of property.
- ▶ Criminal breach of trust by a carrier--- wharfinger-- etc, where the value of the property does not exceed two hundred and fifty rupees.
- ▶ Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security.
- ▶ Fraudulent execution of deed of transfer containing false statement of consideration.
- ▶ Mischief by killing or maiming cattle etc of any value of fifty rupees or upwards.
- ▶ Counterfeiting a trade or property mark used by another.
- ▶ Uttering words or sounds or making gestures or exhibiting any object intending to insult the modesty of a woman or intruding upon the privacy of a woman.

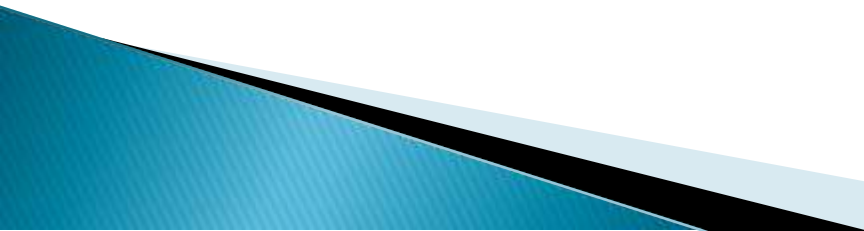
NON COMPOUNDABLE OFFENCES

- ▶ There are some offences, which cannot be compounded. They can only be quashed. The reason for this is, because the nature of offence is so grave and criminal, that the Accused cannot be allowed to go scot-free. Here, in these types of cases generally, it is the "state", i.e. police, who has filed the case, and hence the question of complainant entering into compromise does not arise
- ▶ All those offences, which are not mentioned in the list under section (320) of CrPC, are non-compoundable offences

EXAMPLES

- ▶ Uttering words etc, with deliberate intent to wound the religious feelings of any person causing hurt.
- ▶ Criminal or house trespass
- ▶ Criminal breach of contract of service.
- ▶ Printing or engraving matters, knowing it to be defamatory.
- ▶ There are some offences, which although are compoundable, but, they can be compounded only with the permission of the court.
- ▶ These offences should be compounded before trial begins.
- ▶ Also where accused has already been convicted, and an appeal is pending, permission of the court is required for compounding of such offences.
- ▶ The reason for seeking permission of the court, is that these offences are grievous in nature, and are bad example in society

Punishments

- ▶ Punishment is the sanction imposed on an accused for the infringement of the established rules and norms of society
 - ▶ The object of punishment is to protect the society from mischievous and undesirable elements by deterring potential offenders by preventing the actual offender from committing further offence and by reforming and turning them into a law-abiding citizen.
- 

Theories of punishment

- ▶ Deterrent
- ▶ Retributive
- ▶ Preventive
- ▶ Reformative



Deterrent

- ▶ **The infliction of punishment serves as a check on others who are evil minded.**

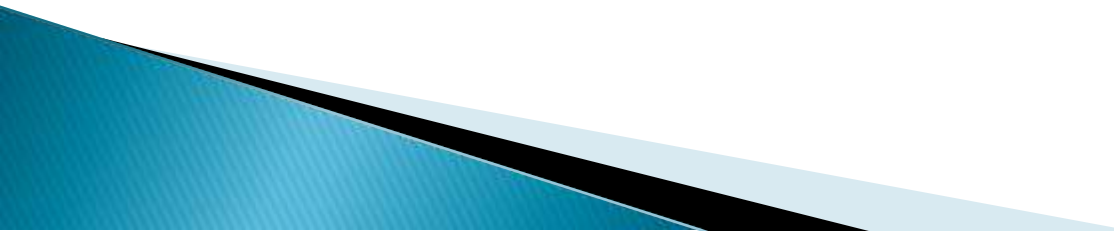
Retributive

- ▶ The word means punitive to recompense to pay back this theory says to return the same injury to the wrong doer which he has committed against the victim.
- ▶ Tooth for tooth and eye for a eye.

Criticism

- ▶ Barbaric and brutal

Preventive

- ▶ **Prevention is better than cure**
 - ▶ **It aims is to prevent a repetition of offence by the offender**
 - ▶ **Death or Exile**
- 

Reformative

- ▶ **Hate the sin not the sinner**

Punishments under IPC

- ▶ Section 53
 - ▶ The punishments to which offenders are liable under this provisions of this code are:-
 - ▶ Death
 - ▶ Imprisonment for life
 - ▶ Imprisonment which is of two descriptions, namely-
 1. Rigorous i.e. with hard labour
 2. Simple
 - ▶ Forfeiture of property
 - ▶ Fine
- 