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## **BNS ILLUSTRATIONS – SIMPLIFIED**

### **Section 1 (5) : Extra territorial Jurisdiction (IPC - 4)**

A, who is a citizen of India, commits a murder in any place without and beyond India. He can be tried and convicted of murder in any place in India in which he may be found. (Uganda- any place outside India)

### **Section 2: Definitions**

#### **(8) “document”**

2(8)(e) **A writing containing directions** or instructions is a document.

#### **Explanation 2.**

A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and shall be construed in the same manner as if the words “pay to the holder” or words to that effect had been written over the signature;

#### **2(16) “Judge”**

A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a Judge;

#### **2(28) “Public servant”**

A Municipal Commissioner is a public servant.

#### **31) “valuable security”**

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security";

#### **2 (33) “voluntarily”. –**

A sets fire, by night, to an inhabited (occupied) house in a large town, for the purpose of facilitating a robbery and thus causes the death of a person. Here, A

may not have intended to cause death; and may even be sorry that death has been caused by his act; yet, **if he knew that** he was likely to cause death, he has caused **death voluntarily**;

### Section 3: General explanations.

#### Definitions in the Code to be understood subject to exceptions (IPC – 6)

**1(a)** The sections in this Sanhita, which contain definitions of offences, do not express (stated explicitly) that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that **nothing shall be an offence which is done by a child** under 7 years of age.

**1(b)** A, a police officer, without warrant, apprehends (arrest) Z, who has committed murder. Here **A is not guilty** of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that “nothing is an offence which is done by a person who is bound by law to do it”.

#### Effect caused partly by act and partly by omission (IPC – 36)

**(7)** A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

*[In this illustration, murder is caused partly by act of beating and partly by omitting to give food to Z. Here both act and omission have combined effect.]*

#### Co-operation by doing one of several acts constituting an offence (IPC – 37)

**8(a)** A and B agree to murder Z by severally and at **different times** giving him small doses of poison. A and B administer the poison according to the agreement with intent to murder Z. Z dies from the effects of the several doses of poison so administered to him. Here **A and B intentionally cooperate** in the commission of murder and as each of them does an act by which the death is caused, they are *both guilty* of the offence though **their acts are separate**.

**(b)** A and B are joint jailors, and as such have the charge (responsible) of Z, a prisoner, alternatively for six hours at a time. A and B, intending to cause Z's death, knowingly cooperate in causing that effect by **illegally omitting**, each during the time of his attendance, to furnish Z with **food supplied** to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(c) A, a jailor, **has the charge of Z** (in the custody of A), a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him (Take charge). **B, without collusion or cooperation with A**, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder, but, as A did not cooperate with B, A is guilty only of an attempt to commit murder.

*[In this illustration, A and B has no intentional cooperation or collusion. But as A did everything but failed to cause death of Z so, he would be liable for attempt to murder. But B who caused the death of Z so, he will be liable for murder.]*

**Persons concerned in criminal act may be guilty of different offences.** (IPC – 38)

(9) A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. B, **having ill-will towards Z** (enmity feeling) and intending to kill him, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are both engaged in causing Z's death, **B** is guilty of **murder**, and **A** is guilty only of **culpable homicide**.

*[In this illustration, though A and B are both engaged in causing Z's death, B is guilty of murder under section 103 of BNS, because he acted with the intention to kill Z and he was not subjected to provocation; Whereas A is guilty of culpable homicide not amounting to murder only under section 105 of BNS, since he killed Z under the influence of grave and sudden provocation and will get protection under Section 101, Exception 1.]*

**Section 8: Amount of fine, liability in default of payment of fine, etc.** (IPC – 69)

A is sentenced to a fine of one thousand rupees and to four month's imprisonment in **default of payment**. Here, if seven hundred and fifty rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seven hundred and fifty rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If five hundred rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If five hundred rupees be paid or

levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

**Section 9: Limit of punishment of offence made up of several offences.**  
(IPC – 71)

(a) A gives Z fifty strokes (beat/hit) with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow (strokes). But **he is liable only to one punishment for the whole beating.**

*[In this illustration (a), A. voluntarily causes hurt to Z by giving fifty strokes. He will be liable only to one punishment for whole beating.]*

(b) But, if, while A is beating Z, Y interferes, and **A intentionally strikes Y**, here, as the blow given to Y is **no part of the act** whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

**Section 14: Act done by a person bound, or by mistake of fact believing himself bound, by law.** (IPC – 76)

(a) A, a soldier, fires on a mob (crowd of people) by the order of his superior officer, in conformity with the commands of the law. A has committed **no offence.**

*[Here the command of law is defence and not the order of superior officer.]*

**Section 17: Act done by a person justified, or by mistake of fact believing himself justified, by law.** (IPC – 79)

A sees Z commit **what appears to A to be a murder** (A sees Z doing something that looks like a murder). A, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending (arrest) murderers in the fact, **seizes Z**, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

**Section 18: Accident in doing a lawful act.** (IPC – 80)



A is at work with a hatchet (axe); the head flies off (moving away quickly) and kills a man who is standing by. Here, **if there was no want of proper caution on the part of A** (If A was careful and caution) , his act is excusable and not an offence.

*[It exempts the doer of lawful act in lawful manner and without any criminal intention or knowledge from any unforeseen evil result that may ensue (happen) from accident or misfortune.]*

### **Section 19: Act likely to cause harm, but done without criminal intent, and to prevent other harm. (IPC – 81)**

(a) A, the captain of a vessel, suddenly and **without** any fault or **negligence on his part**, finds himself in such a position that, before he can stop his vessel, he must inevitably run down (hit) a boat B, with twenty or thirty passengers on board, unless he changes the course of his vessel, and that, by changing his course (way), he must incur risk of running down a boat C with only two passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C and in good faith for the purpose of avoiding the danger to the passengers in the boat B, **he is not guilty of an offence**, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down the boat C.

*["A is the captain of a ship and suddenly finds himself in a situation where he must either hit a boat with 20-30 passengers or change course (way) and risk hitting a boat with only 2 passengers. If A changes course without intending to hit the smaller boat and does so in good faith to avoid the danger to the larger boat, he is not guilty of a crime, even if he ends up hitting the smaller boat. This is true if it is found that the danger he was trying to avoid was serious enough to justify the risk".]*

(b) A, in a great fire, pulls down (demolish/knock down) houses in order to prevent the conflagration (large fire) from spreading. He does this with the intention in good faith of saving human life or property. Here, if it be found that **the harm to be prevented** was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

**Section 25: Act not intended and not known to be likely to cause death or grievous hurt, done by consent (IPC – 87)**

A and Z agree to fence (sword fight) with each other for amusement (fun). This agreement implies the **consent of each to suffer any harm** which, in the course of (during the activity) such fencing, may be caused without foul play (fair manner); and if A, while playing fairly, hurts Z, **A commits no offence.**

*[A and Z agree to fence (sword fight) for fun. By agreeing, they both accept that they might get hurt during the fencing as long as it is done fairly. If A hurts Z while fencing fairly, A has not committed a crime.]*

**Section 26: Act not intended to cause death, done by consent in good faith for person's benefit. (IPC – 88)**

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under the painful complaint, but not intending to cause Z's death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

**Section 27: Act done in good faith for benefit of child or person of unsound mind, by, or by consent of guardian. (IPC – 89)**

A, in good faith, for his child's benefit without his child's consent, has his child cut for the stone by a surgeon knowing **it to be likely that the operation will cause the child's death**, but not intending to cause the child's death. A is within the exception, in as much as his object was the cure of the child.

**Section 29: Exclusion of acts which are offences independently of harm caused. (IPC – 91)**

**Causing miscarriage** (abortion) (unless caused in good faith for the purpose of saving the life of the woman) **is an offence** independently of any **harm** which it may cause or be intended to **cause to the woman**. Therefore, it is not an offence “by reason of such harm”; and the **consent** of the woman or of her guardian to the causing of such miscarriage **does not justify the act.**

*[In the illustration attached with this section causing a miscarriage is not an injury to the woman alone but is an offence against the life of the child as well. The mother's consent, therefore, would not condone the offence.]*

**Section 30: Act done in good faith for benefit of a person without consent.**  
(IPC – 92)

(1) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned (surgery on human skull). A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(2) Z is carried off (physically hold) by a tiger. 'A' fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's bullet gives Z a mortal wound. A has committed no offence.

*[A fires at the tiger with the knowledge that shot may kill Z but without any bad intention and in good faith not to harm him but for his benefit. So, A commits no offence]*

(3) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is no time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

*[A has performed immediate operation of a child despite his objection but in good faiths as there was no time to obtain consent of guardian. So he has committed no offence.]*

(4) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the house top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

*[In this illustration, 'A' drops the child to save his life from fire, therefore, he does not commit any offence.]*

**Section 31: Communication made in good faith. (IPC – 93)**

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 has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

*[A surgeon communicates his opinion in good faith. He has not committed an offence.]*

### **Section 36: Right of private defence against act of a person of unsound mind, etc. (IPC – 98)**

(a) Z, a person of unsound mind, attempts to kill A; Z is guilty of no offence. But A has the **same right of private defence** which he would have if Z were **sane** (sound mind).

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker (Z, thinking A is a burglar), attacks A. Here Z, by attacking **A under this misconception**, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

### **Section 44: Right of private defence against deadly assault when there is risk of harm to innocent person. (IPC – 106)**

A is attacked by a mob who attempt to murder him. He **cannot effectually exercise his right of private defence** without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

*[In this illustration, A has exercised his right of private defence by firing which cannot be done without harming children. He has committed no offence.]*

### **Section 45: Abetment of a thing. (IPC – 107)**

A, a public officer, is authorised by a warrant from a Court to apprehend (arrest) Z. B, knowing that fact and also that **C is not Z, wilfully represents** to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

*[In this illustration, B by wilful representation, intentionally causes A to apprehend Z. This is abetment by instigation.]*

### **Section 46: Abettor. (IPC – 108)**

#### **Explanation 2**



(a) A instigates B to murder C. **B refuses to do so**. A is guilty of abetting B to commit murder.

(b) A instigates B to murder D. B in pursuance of the instigation **stabs D. D recovers from the wound**. A is guilty of instigating B to commit murder.

*[In this illustration (a), there is refusal by B to commit an offence of murder and in illustration (b) the effect contemplated by abetment of committing murder has not been caused even then abettor will be liable for his abetment.]*

### Explanation 3

(a) A, with a guilty intention, **abets** a child or a person of unsound mind **to commit an act which would be an offence**, if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(b) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A and thereby causes Z's death. Here, though B was not capable by law of committing an offence, **A is liable to be punished in the same manner as if B had been capable by law** of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(c) A instigates B to set fire to a dwelling-house. B, in consequence of his unsoundness of mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, **sets fire to the house** in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

*[In these illustrations (a), (b), (c) the person abetted is incompetent even then Abettor is liable for his abetment as his liability is individual, personal and independent.]*

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

*[In this illustration, Abettor is liable even if the person abetted does not commit crime due to lack of mens rea]*

#### **Explanation 4**

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and, as A instigated B to commit the offence, A is also liable to the same punishment.

*[In this, illustration, B is liable to be punished for abetment with the punishment for abetting murder and, as A instigated B to commit the offence of murder A is equally liable to the same punishment.]*

#### **Explanation 5**

A consents (act together) with B a plan for poisoning Z. It is agreed that A shall administer the poison. **B then explains the plan to C** mentioning that a **third person is to administer** the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though **A and C have not conspired together**, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section and is liable to the punishment for murder.

*[An engagement in conspiracy does not require concert (or agreement) with each one, it is enough that abettor is involved in conspiracy.]*

### **Section 47: Abetment in India of offences outside India (IPC – 108A)**

A person abets an offence within the meaning of this Sanhita who, in India, abets the commission of any act without and beyond India which would constitute an offence if committed in India.

A, in India, instigates B, a foreigner in country X, to commit a murder in that country, A is guilty of abetting murder.

### **Section 48: Abetment outside India for offence in India.**

A, in country X, instigates B, to commit a murder in India, A is guilty of abetting murder.

**Section 49: Punishment of abetment if act abetted is committed in consequence and where no express provision is made for its punishment. (IPC – 109)**

(a) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(b) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures(gets) the poison and delivers it to B in order that he may administer(give) it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here **B is guilty of murder. A is guilty of abetting that offence by conspiracy**, and is liable to the punishment for murder.

**Section 51: Liability of abettor when one act abetted and different act done. (IPC – 111)**

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, **by mistake puts the poison into the food of Y**, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y.

(b) **A instigates B to burn Z's house**, B sets fire to the house and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is **not guilty of abetting the theft**; for the theft was a distinct act, and not a probable consequence of the burning.

(c) **A instigates B and C to break** into an inhabited house at midnight for the purpose of robbery, and provides them **with arms** for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, **A is liable to the punishment provided for murder**.

*[In illustration (a) act done was probable consequence whereas in illustration (b) it was not so. So, in (a) liability is there for murder of Y but in (b) there will be no liability for theft as it was not a probable consequence of burning]*

### **Section 52: Abettor when liable to cumulative punishment for act abetted and for act done. (IPC – 112)**

A instigates B to resist by force a distress (seize) made by a public servant. B, in consequence, resists (opposes) that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, **B is liable to punishment for both these offences**; and, if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to punishment for each of the offences.

*[“A encourages B to use force to stop a public servant from taking property. B follows A’s advice and uses force. While doing this, B seriously injures the officer. B has committed two crimes: stopping the public servant and causing serious injury. **B can be punished for both crimes. If A knew that B might seriously injure the officer while stopping the public servant, A can also be punished for both crimes**”.*

*if act abetted and in addition to it, other act which is probable consequence is also committed, then **abettor, will be liable for both of them** and cumulative punishment for both will be awarded.]*

### **Section 53: Liability of abettor for an effect caused by act abetted different from that intended by abettor. (IPC – 113)**

A **instigates** B to cause **grievous hurt** to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z **dies in consequence**. Here, **if A knew** that the grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder.

*[In this illustration, if Abettor has knowledge that grievous hurt will result into death, then. A would be liable for punishment of murder.]*

### **Section 55: Abetment of offence punishable with death or imprisonment for life. (IPC – 115)**

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or imprisonment for life. Therefore, A is liable to imprisonment for a term which may extend to seven years and also to a fine; and if any hurt be done to Z in consequence of



the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

**Section 56: Abetment of offence punishable with imprisonment. (IPC – 116)**

(a) A instigates B to give false evidence. Here, if B does not give false evidence, A has **nevertheless committed the offence** defined in this section, and is punishable accordingly.

*[In this illustration (a), B does not give false evidence upon instigation by A. Even though A committed an offence of Abetment as his liability is independent, individual and personal.]*

(b) A, a police officer, whose duty it is to prevent robbery, **abets the commission** of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(c) B abets the commission of a robbery by A, **a police officer, whose duty it is to prevent that offence**. Here, though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

**Section 57: Abetting commission of offence by public or by more than 10 persons. (IPC – 117)**

A affixes in a public place a placard (Notice board) instigating a sect (group of people) consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect (*another group*), while engaged in a procession. A has committed the offence defined in this section.

*[If A puts up a sign in a public place that encourages a group of more than ten people to meet at a specific time and place to attack members of another group during a procession, A has committed the crime described in this section.]*

**Section 58: Concealing design to commit offence punishable with death or imprisonment for life. (IPC – 118)**

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate with intent to facilitate the commission of the offence. The dacoity is committed at B in pursuance of the design. A is punishable under this section.

**Section 59: Public servant concealing design to commit offence which it is his duty to prevent. (IPC – 119)**

A, an officer of police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information, **with intent to so facilitate the commission of that offence.**

*[Here A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this section.]*

**Section 62: Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment. (IPC – 511)**

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box, that there is no jewel in it. **He has done an act towards the commission of theft**, and therefore is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting (insert) his hand into Z's pocket. **A fails in the attempt** in consequence of Z's having nothing in his pocket. **A is guilty** under this section.

**Section 92: Causing death of quick unborn child by act amounting to culpable homicide. (IPC – 316)**

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the **death of an unborn quick child** with which she is pregnant is thereby caused. A is guilty of the offence defined in this section.

**Section 100: Culpable homicide. (IPC – 299)**

(a) A lays sticks and turf (grass) over a pit, with the intention of thereby causing death, or **with the knowledge that death is likely to be thereby caused**. Z, believing the ground to be firm, treads (walk) on it, falls in and is killed. A has committed the offence of culpable homicide.

(b) A knows Z to be behind a bush (large plant). B does not know it. **A, intending to cause**, or knowing it to be likely to cause Z's death, **induces B to fire** at the bush. B fires and kills Z. Here **B** may be guilty of **no offence**; but A has committed the offence of culpable homicide.

*[In this illustration, innocent intermediary B does not break the chain of causation and A is held liable for his criminal act done with criminal intention]*

(c) A, by shooting at a fowl (bird) with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was **not guilty of culpable homicide**, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.

*[In illustrations (a) and (b), intention to cause death is there or knowledge of death is there, so, they are cases of Culpable Homicide, but in illustration (c) both are missing so there is no culpable homicide.]*

### **Section 101: Murder (IPC – 300)**

(a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(b) A, knowing that Z is labouring under such a disease (Z has a disease) that a blow (beat) is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, **although the blow might not have been sufficient** in the ordinary course of nature to cause the death of a person in a sound state of health.

**But if A, not knowing that Z** is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, **although he may intend to cause bodily injury, is not guilty of murder**, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

(c) A intentionally gives Z a sword-cut(weapon) or club-wound sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death.

*[In thirdly law does not require intention to cause death but it requires intention to cause such bodily injury which is sufficient to cause death.]*

(d) A **without any excuse** (reason) fires a loaded cannon(gun) into a crowd of persons and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

*[In this illustration, A committed such act without having any excuse for incurring the risk of causing death, so, it falls under section 101 fourthly]*

### **Exception 1 Provided that the provocation is not,--**

(a) A, under the influence of passion (anger) excited by a provocation given by Z, intentionally kills Y, Z's child. **This is murder**, in as much as the **provocation was not given by the child**, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(b) **Y gives grave and sudden provocation** to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight(hidden from view). **A kills Z**. Here A has not committed murder, but **merely culpable homicide**.

(c) A is lawfully arrested by Z, a bailiff (law enforcement officer). A is excited to sudden and violent passion by the arrest, and kills Z. **This is murder**, in as much as the provocation was given by a thing done by a public servant in the exercise of his powers.

*[Provocation by anything in lawful exercise of power of public servant **is no provocation**.]*

(d) A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition, and that A has perjured (sworn falsely) himself. A is moved to sudden passion by these words, and kills Z. This is murder.

(e) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays **hold of A** to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, in as much as the provocation was given by a thing done in the exercise of the right of private defence

*[In this illustration, A under sudden provocation killed Z. A has committed the offence of murder as provocation was given by thing done in the lawful exercise of right defence.]*



(f) Z strikes B. B is by this provocation **excited to** violent rage. A, a bystander (observer), intending to take advantage of B's rage (uncontrolled anger), and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here **B may have committed only culpable homicide, but A is guilty of murder.**

*[A is not under provocation, so he will not get protection of Exception]*

### Exception 2

Z attempts to horsewhip (beat by belt) A, **not** in such a manner as to cause **grievous hurt to A**. A draws out (takes) a pistol. Z persists (continue to exist) in the assault. A believing in good faith that he can by no other means prevent himself from being horsewhipped, **shoots Z dead**. A has not committed murder, but only culpable homicide.

*[In this illustration, A, in good faith, tried to prevent himself from being horsewhipped. Thus, he caused the death of Z without any intention of doing more harm than is necessary for the purpose of his defence.]*

### Exception 5

A, by instigation, voluntarily causes Z, a child to commit suicide. Here, on account of Z's youth (too young), he was incapable of giving consent to his own death; **A has therefore abetted murder.**

### Section 109: Attempt to murder (IPC – 307)

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued (happen), A would be guilty of murder. A is liable to punishment under this section.

*[In this illustration, if death of Z does not ensue then A made only attempt to kill Z. Hence, he would be liable for attempt to murder under this section.]*

(b) A, with the intention of causing the death of a child of tender years (very young age), exposes (leave) it in a desert place (remote place). A has committed the offence defined by this section, **though the death of the child does not ensue.**

*[In this illustration, exposing of a child of tender year in desert place made an attempt to commit an offence and hence, A would be liable under section. To constitute an attempt, causing of death is not necessary.]*

(c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and, if by such firing he wounds Z, he is liable to the punishment provided by the latter part of sub-section (1).

*[In this illustration, in the first part, preparation is completed and as soon as A fired at Z with the gun, the stage of attempt has been initiated and therefore he committed the offence under this section. Also, he caused hurt by firing, he would be liable under latter part of the section.]*

(d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has **not yet committed** the offence defined in this section. A places the food on Z's table or delivers it to Z's servants to place it on Z's table. A **has committed** the offence defined in this section.

#### **Section 110: Attempt to commit culpable homicide. (IPC – 308)**

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death, he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.

#### **Section 117: Voluntarily causing grievous hurt. (IPC – 322)**

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow (hit/slap) which does not permanently disfigure Z's face, but which causes Z to suffer **severe bodily pain** for the space of fifteen days. A has voluntarily caused grievous hurt.

#### **Section 120: Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property. (IPC – 330)**

(a) A, a police-officer, **tortures** Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.

(b) A, a police-officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.

(c) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section.

## Section 126: Wrongful restraint. (IPC – 339)

### Exception

A obstructs a path along which **Z has a right to pass**, A **not believing** in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

*[If A blocks a path that Z has the right to use, and A does not genuinely believe they have the right to block it, Z is stopped from passing. In this case, A is wrongfully restraining Z]*

## Section 127: Wrongful confinement. (IPC – 340)

(a) A causes Z to go within a walled space (confined space), and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

*[If a person prevents another person from proceeding in any direction by confining him within four walled space. It would be a wrongful confinement.]*

(b) A places men with firearms (armed guard) at the outlets (entry) of a building, and tells Z that they will fire at Z if Z attempts **to leave the building**. A wrongfully confines Z.

## Section 129: Criminal force. (IPC – 350)

(a) Z is sitting in a moored boat (boat tied on the same place) on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down (float) the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other action on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, **in order to the committing of any offence**, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.

*[Z is sitting in a boat that is tied up on a river. A unties the boat, causing it to float downstream. A has intentionally caused the boat to move, using force on Z without Z's permission. If A did this to commit a crime, or knowing it would likely cause injury, fear, or annoyance to Z, then A has used criminal force on Z.]*

(b) Z is riding in a chariot (horse two wheeler). A lashes (beat with stick) Z's horses, and thereby causes them to quicken their pace (fast). Here A has

caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has used criminal force to Z.

(c) Z is riding in a palanquin (transporting vehicle). A, intending to rob Z, seizes (grabs/hold) the pole and stops the palanquin. Here A has caused cessation (stop) of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.

(e) A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes or something carried by Z. Here, if the **throwing of the stone produces the effect of causing any substance to come into contact with Z**, or Z's clothes, A has used force to Z, and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.

*[A throws a stone, intending or knowing it will hit Z, Z's clothes, or something Z is carrying, or splash water onto Z. If the stone makes contact with Z or Z's belongings, and A did this without Z's permission to cause injury, fear, or annoyance, then A has used criminal force on Z.]*

(f) A intentionally pulls up a woman's veil( covering cloth). Here A intentionally uses force to her, and if he does so without her consent intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.

(g) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally by his own bodily power causes such motion in the boiling water as **brings that water into contact with Z**, or with other water so situated that such contact must affect Z's sense of feeling; A has therefore intentionally used force to Z; and if he has done this without Z's consent



intending or knowing it to be likely that he may thereby cause injury, fear or annoyance to Z, A has used criminal force.

*[Z is taking a bath. A pours boiling water into the bath. A has caused the boiling water to come into contact with Z or mix with the bath water affecting Z's feeling. If A did this without Z's permission, intending to cause injury, fear, or annoyance, then A has used criminal force on Z.]*

(h) A incites (induces) a dog to spring upon (jump suddenly) Z, without Z's consent. Here, if A intends to cause injury, fear or annoyance to Z, he uses criminal force to Z.

### **Section 130: Assault. (IPC – 351)**

(a) A **shakes his fist** (hold hand with fingers bent) at Z, intending or knowing it to be likely that he may thereby cause **Z to believe that A is about to strike Z**. A has committed an assault.

(b) A begins to unloose the muzzle(mouth cover) of a ferocious(dangerous) dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

*[If A starts to unleash a dangerous dog, making Z think that the dog is about to attack them, A has committed an assault on Z]*

(c) A takes up a stick, saying to Z, "I will give you a beating". Here, though the words used by A could in no case amount to an assault, and though the **mere gesture, unaccompanied by any other circumstances**, might not amount to an assault, the gesture explained by the words may amount to an assault.

*[If A picks up a stick and says to Z, "I will beat you," even though the words alone are not an assault, the combination of the words and the action can be considered an assault.]*

### **Section 140: Kidnapping or abducting in order to murder or for ransom, etc. (IPC – 364)**

(a) A kidnaps Z from India, intending or knowing it to be likely that Z may be sacrificed to an idol (offering to god). A has committed the offence defined in this section.

(b) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this section.

**Section 147: Waging, or attempting to wage war, or abetting waging of war, against Government of India. (IPC – 121)**

‘A’ joins an insurrection (violent act) against the Government of India. A has committed the offence defined in this section..

**Section 198: Public servant disobeying law, with intent to cause injury to any person. (IPC – 166)**

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z’s favour by a Court, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

*[A, who is an officer required by law to take property to satisfy a court order in favor of Z, knowingly does not follow this law, knowing that it will likely harm Z. A has committed the offence described in this section.]*

**Section 208: Non-attendance in obedience to an order from public servant. (IPC – 174)**

(a) A, being legally bound to appear before a High Court, in obedience to a subpoena (summon) issuing from that Court, **intentionally omits** to appear. A has committed the offence defined in this section.

(b) A, being legally bound to appear before a District Judge, as a witness, in obedience to a summons issued by that District Judge intentionally omits to appear. A has committed the offence defined in this section.

**Section 210: Omission to produce document or electronic record to public servant by person legally bound to produce it. (IPC – 175)**

A, being legally bound to produce a document before a District Court, intentionally omits to produce the same. A has committed the offence defined in this section.

**Section 212: Furnishing false information. (IPC – 177)**

(a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms (give false information) the Magistrate of the district that the death **has occurred by accident in consequence of the bite of a snake**. A is guilty of the offence defined in this section.

(b) A, a village watchman, knowing that a considerable **body of strangers** (outsider) has passed(enter) through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being legally bound to give early and punctual information of the above fact to the officer of the nearest police station, **wilfully misinforms the police officer** that a body of suspicious characters passed through the village with a view to commit dacoity in a **certain distant place in a different direction**. Here A is guilty of the offence defined in this section.

**Section 217: False information, with intent to cause public servant to use his lawful power to injury of another person. (IPC – 182)**

(a) A informs a Magistrate that Z, a police officer, subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

(b) A falsely informs a public servant that Z has contraband salt(illegal salt) in a secret place, **knowing such information to be false**, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z(which will irritate Z). A has committed the offence defined in this section.

(c) A falsely informs a policeman that he has been assaulted and robbed(taken property) in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants (attacker), but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in the village **to the annoyance of the villagers** or some of them. A has committed an offence under this section.

**Section 223: Disobedience to order duly promulgated by public servant. (IPC – 188)**

An order is promulgated (announced) by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

**Section 227: Giving false evidence. (IPC – 191)**

(a) A, in support of a just claim which B has against Z for one thousand rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.

(b) A, being bound by an oath to state the truth, states (says) that he believes a certain signature to be the handwriting of Z, when he **does not believe** it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

(c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, **A has not given false evidence.**

*[A, who knows what Z's handwriting generally looks like, says he believes a certain signature is Z's handwriting, genuinely believing it to be true. Here, A's statement is about his belief and is true to his belief, so even if the signature is not Z's handwriting, A has not given false evidence.]*

(d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives false evidence whether Z was at that place on the day named or not.

(e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document which he is bound by oath to interpret or translate truly, that which is not and which he does not believe to be a true interpretation or translation. A has given false evidence.

*[A, an interpreter or translator, gives or certifies a translation or interpretation of a statement or document as true, which he is required by oath to do accurately, but it is not true and he does not believe it to be true. A has given false evidence.]*

### **Section 228: Fabricating false evidence. (IPC – 192)**

(a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

*[‘A’ puts jewels into a box that belongs to Z with the intention that it will be discovered there and to make it look like Z committed theft.]*



*In this illustration, the circumstances have been made to convict Z for the offence of theft by putting jewels into a box which belongs to Z. So, it is fabricating of false evidence against Z.]*

(b) A makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a Court. A has fabricated false evidence.

(c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation(copy) of Z's handwriting, purporting to be addressed to an accomplice(Co-offender) in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the police are likely to search. A has fabricated false evidence.

*[In order to have Z found guilty of a criminal conspiracy, 'A' writes a letter that looks like Z's handwriting, pretends it is sent to a conspiracy collaborator, and hides it in a location where he knows the police will discover it. A has created false evidence.]*

### **Section 229: Punishment for false evidence. (IPC – 193)**

#### Explanation 2

A, in an enquiry before a Magistrate for the purpose of ascertaining (discover a fact) whether Z ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

#### Explanation 3

A, in an enquiry before an officer deputed by a Court to ascertain on the spot the boundaries of land, makes on oath a statement(sworn declaration) which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

### **Section 231: Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment. (IPC – 195)**

A gives false evidence before a Court, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, with or

without fine. A, therefore, is liable to imprisonment for life or imprisonment, with or without fine.

**Section 238: Causing disappearance of evidence of offence, or giving false information to screen offender. (IPC – 201)**

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening (hiding) B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

**Section 245: Fraudulently suffering decree for sum not due. (IPC – 208)**

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this section.

*(Ravi owes Rs. 50,000 to his friend Suresh. However, Ravi conspires with another friend, Rajesh, to create a fake debt. Rajesh files a lawsuit against Ravi claiming that Ravi owes him Rs. 1,00,000. Ravi does not contest the lawsuit and allows the court to pass a decree in favor of Rajesh for Rs. 1,00,000. The plan is for Rajesh to share the money with Ravi after collecting it through the court's order. Ravi has committed an offence under Section 245 of The Bharatiya Nyaya Sanhita 2023.)*

*Suffering decree - allowing a court to pass a judgment or decree against oneself,*

**Section 249: Harboring offender. (IPC – 178(5))**

A, knowing that B has committed dacoity, knowingly conceals B in order to screen (protect) him from legal punishment. Here, as B is liable to imprisonment for life, A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

**Section 303: Theft. . (IPC – 378)**

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, **as soon as A has severed the tree** in order to such taking, he has committed theft.

*[The moment tree is cut, it becomes subject matter of theft as it becomes movable property and as act of severance is itself an act of moving, theft is committed]*

(b) A puts a bait (food placed for trap) for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed **theft as soon as Z's dog has begun to follow A.**

[Even a dog can be, subject matter of theft and if it is moved with dishonest intention, then it is theft]

(c) A meets (see) a bullock (male cow) carrying a box of treasure (precious metal). He drives (move) the bullock in a certain direction, in order that he may **dishonestly take the treasure.** As soon as the bullock begins to move, A has committed theft of the treasure.

*[Intention is to take treasure only not bullock cart so, even if he drives bullock, theft of only treasure is committed.]*

(d) A being Z's servant, and entrusted (to give someone a thing or a duty for which they are responsible) by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.

*[If A, who is Z's servant, runs away with Z's plate without Z's permission, A commits theft.]*

(e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. **Here the plate was not in Z's possession.** It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed **criminal breach of trust.**

*[If Z leaves his plate with A, a warehouse keeper, and A sells it, A has not committed theft because the plate was not in Z's possession, but A may have committed another crime].*

(f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

*[If A finds Z's ring on a table in Z's house and takes it dishonestly, A commits theft.]*

(g) A finds a ring lying on the highroad, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.

*[Ring on highroad is not in possession of any person, so it cannot be subject matter of theft but as A found ring and now he dishonestly misappropriates or convert to his own use he may be guilty of Criminal Misappropriation of Property.]*

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing (advance) to misappropriate **the ring immediately for fear** of search and detection, A hides the ring in a place where it is highly improbable (remote area) that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it **when the loss is forgotten**. Here A, at the time of first moving the ring, commits theft.

**[Hiding itself is moving** and it constitutes theft]

(i) A delivers his watch to Z, a jeweler, to be regulated (repaired). Z carries it to his shop. A, **not owing to the jeweler any debt** for which the jeweler might lawfully detain the watch as a security, enters the shop openly, **takes his watch by force** out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has **not committed theft**, in as much as what he did was not done dishonestly.

*[Taking one's own property back where no money is due on property is not constitute theft.]*

(j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully **as a security for the debt**, and A takes the watch out of Z's possession, with the intention of depriving Z of the property as a security for his debt, he **commits theft**, in as much as he takes it dishonestly.

*[But stealing one's own property dishonestly when it's used as security for payment is theft.]*

(k) Again, if A, having pawned (pledge) his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property in as much as he takes it dishonestly.



(l) A takes an article belonging to Z out of Z's possession without Z's consent, with the intention of keeping it until he obtains money from Z **as a reward for its restoration**. Here A takes dishonestly; A has therefore committed theft.

[Temporary deprivation of property is enough to constitute theft.]

(m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book **without Z's express consent** for the purpose merely of reading it, and **with the intention of returning it**. Here, it is probable that A may have conceived (think) that he had Z's implied consent to use Z's book. If this was A's impression (feel), A has **not** committed **theft**.

*[If A takes a book from Z's library to read and intends to return it, A may not have committed theft if he believed he had Z's implied permission. If property is taken with implied consent then no theft is committed.]*

(n) A asks charity (help) from Z's wife. She gives A's money, food and clothes, which A knows to belong to Z her husband. Here it is probable that **A may conceive** (think) that Z's wife is authorised to give away alms (donation). If this was A's impression (feel), A has **not** committed **theft**.

*[If A takes money, food, or clothes from Z's wife, believing she is authorized to give them, A has not committed theft.]*

(o) A is the paramour (illicit partner) of Z's wife. She gives a valuable property, which **A knows** to belong to her husband Z, and to be such property as **she has no authority from Z to give**. If A takes the property dishonestly, he **commits theft**.

[In illustrations (n) and (o) the relationship between donor and donee and nature of property as in case of illustration (o) makes it clear that it is dishonest taking. Relationship of wife and paramour and nature of property makes it clear that in illustration (o) it is taken dishonestly. In comparison of illustration (n) and (o), A asks help from Z's wife and he has **no dishonest intention** to take clothes, money, etc. so therefore it is not a theft. Whereas in illustration (o), A is paramour of Z's wife and **has dishonest intention** to take valuable things. So, he commits theft.]

(p) A, in good faith, believing property belonging to Z to be A's own property, takes that property out of Z's possession. Here, as A does not take dishonestly, he **does not commit theft**.

*[If A takes Z's property believing it is his own, A does not commit theft because he did not act dishonestly.]*

**Section 307: Theft after preparation made for causing death, hurt or restraint in order to committing of theft. Of extortion (IPC – 382)**

(a) A commits theft on property in Z's possession; and while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting Z in case Z should resist. A has committed the offence defined in this section.

*[In this illustration, A has committed theft after making preparation i.e. loaded pistol in his garment for causing hurt.]*

(b) A picks (steal) Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this section.

*[A picks Z's pocket and has several friends nearby to hold Z back if Z notices the theft and tries to stop or catch A. A has committed the crime described in this section.]*

**Section 308: Extortion. (IPC 383)**

(a) A threatens to publish a defamatory libel (false statement) concerning Z unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

*[In this illustration, A: intentionally puts Z in fear of injury to reputation and induces him to give him money. Hence, it is extortion.]*

(b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(c) A threatens to send club-men to plough up (dig land) Z's field (agri land) unless Z will sign and deliver to B a bond binding Z under a penalty **to deliver certain produce** (agri products) **to B**, and **thereby induces Z to sign** and deliver the bond. A has committed extortion.

(d) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or **affix his seal to a blank paper** and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

*[A scares Z by fear of serious injury, and Z signs a blank paper and gives it to A. The paper can be turned into something valuable. A has committed extortion. In this illustration, A with dishonest intention puts Z in fear of injury to body and induces him to sign/affix seal to blank paper. It is extortion.]*

(e) A threatens Z by sending a message through an electronic device that “Your child is in my possession, and will be put to death unless you send me one lakh rupees.” A thus induces Z to give him money. A has committed extortion.

### **Section 309: Robbery. (IPC – 390)**

(a) A holds Z down (control over Z), and fraudulently takes Z’s money and jewels from Z’s clothes, without Z’s consent. Here A has committed theft, and, in order to the committing of that theft, has **voluntarily caused wrongful restraint to Z**. A has therefore committed robbery.

*[In this illustration, Here, A has committed theft, and in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.]*

(b) A meets Z on the high road, shows a pistol, and demands Z’s purse. Z, in consequence, surrenders his purse. Here **A has extorted the purse** from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

*[In this illustration, A has extorted the purse from Z by putting him in fear of **instant hurt**. A has committed robbery.]*

(c) A meets Z and Z’s child on the high road. A takes the child, and threatens to fling it down ( throw the child off) a precipice (vertical rock), unless Z delivers his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

*[In this illustration, as fear of injury is not instant`so it is not robbery but only extortion.]*

(d) A obtains property from Z by saying-“Your child is in the hands of my gang, and will be put to death unless you send us ten thousand rupees”. This is extortion, and punishable as such; **but it is not robbery**, unless Z is put in fear of the instant death of his child.

### **Section 314: Dishonest misappropriation of property. (IPC – 403)**

(a) A takes property belonging to Z out of Z's possession, in good faith believe at the time when he takes it, that the **property belongs to himself**. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

*[If A takes property from Z, thinking it belongs to A, A is not guilty of theft. But if A later realizes the mistake and still keeps the property for themselves, A is guilty of an offence.]*

*At the time of first taking, there is no dishonest intention so no theft but A after discovering his mistake, appropriates the property with dishonest intention. Now he is guilty of criminal misappropriation of property.]*

(b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But, **if A afterwards sells the book** for his own benefit, he is guilty of an offence under this section.

*[Taking book from library of a friendly person indicates implied consent and removes possibility of dishonest intention, but when he sells the book for his benefit then it is dishonest misappropriation of property.]*

(c) A and B, being joint owners of a horse. A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But, if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

*[Joint owners are entitled to possession and use but not of exclusive appropriation of whole-transaction which is criminal misappropriation of property]*

### Explanation 1



A finds a Government promissory note belonging to Z, **bearing a blank endorsement**. A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan, intending at a future time to restore it to Z. A has committed an offence under this section.

*[A dishonestly takes the note by promising it to the banker for a short time with the plan of returning it later. Even though he plans to do this, he is still guilty of criminal misappropriation of property because temporary misappropriation is also misappropriation.]*

### Expalnation 2

(a) A finds a rupee on the high road, not knowing to whom the rupee belongs. **A picks up the rupee**. Here A has not committed the offence defined in this section.

*[He is not dishonest because he doesn't know who owns the rupee, so it is innocent picking.]*

(b) A finds a letter on the road, containing a bank-note. From the direction and contents of the letter **he learns to whom the note belongs**. He appropriates (take for own use) the note. He is guilty of an offence under this section.

*[He knows or had the reasonable means of discovering the owner to whom it belongs even then appropriates it, so it is wrongful.]*

(c) A finds a cheque payable to bearer. He can form no conjecture (conclusion) as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A knows that this person can direct him to the person in whose favour the cheque was drawn. **A appropriates** the cheque without attempting to discover the owner. He is guilty of an offence under this section.

*[If A finds a cheque payable to bearer and doesn't know who lost it, but knows who wrote it and can find the owner through them, but keeps it without trying to find the owner, A is guilty of an offence.*

*He has reasonable means to discover the owner but even then he appropriates the property, so he commits the offence.]*

(d) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, **but afterwards appropriates it** to his own use. A has committed an offence under this section.

*[Picking up purse with the intention of restoration is not wrong but afterwards development of dishonest intention makes it criminal.]*

(e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately **without attempting to discover the owner**. A is guilty of an offence under this section.

*[Selling ring immediately without any attempt to discover the owner shows his wrong intention.]*

### **Section 315: Dishonest misappropriation of property possessed by deceased person at the time of his death. (IPC – 404)**

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this section.

### **Section 316: Criminal breach of trust. (IPC – 405)**

(a) A, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates (take) them to his own use. A has committed criminal breach of trust.

*[If A is supposed to follow a will and distribute property but instead takes it for themselves, A has committed a criminal breach of trust.]*

(b) A is a warehouse-keeper. Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned **on payment of a stipulated sum** for warehouse room. A dishonestly sells the goods. A has committed criminal breach of trust.

(c) A, **residing in Kolkata**, is agent for Z, residing at Delhi. There is an express or implied contract between A and Z, that all sums remitted (send) by Z to A shall be invested by A, according to Z's direction. Z remits one lakh of rupees to A, with directions to **A to invest the same in Company's paper**. A dishonestly

disobeys the directions and employs **(uses) the money in his own business**. A has committed criminal breach of trust.

*[If A is an agent for Z and is supposed to invest money sent by Z according to Z's instructions but instead uses the money for their own business, A has committed a criminal breach of trust.]*

(d) But if A, in illustration (c), **not dishonestly but in good faith**, believing that it will be more for Z's **advantage to hold shares in the Bank of Bengal**, disobeys Z's directions, and buys shares in the Bank of Bengal, for Z, **instead of buying Company's paper**, here, though Z should (if) suffer loss, and should be entitled to bring a civil action against A, on account of that loss, yet A, not having acted dishonestly, has **not committed criminal breach of trust**.

*[In illustration (c), as agent dishonestly disobeys direction and employs money in his business so he commits Criminal Breach of Trust but in contrast in illustration (d), as he believes in good faith that investing money in buying shares of bank will be more beneficial so it is not dishonest and there is no criminal breach of trust.]*

(e) A, a revenue-officer, is entrusted with public money and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money **which he holds**. A dishonestly **appropriates the money**. A has committed criminal breach of trust.

*[A being revenue officer has been entrusted with the public money. But A dishonestly misappropriates it by holding the money. Hence, he would be liable under this section.]*

(f) A, a carrier (transporter), is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

### **Section 318: Cheating. (IPC – 415)**

(a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and thus dishonestly induces Z to **let him have on credit goods** (provide goods with pay later) for which he does not mean to pay. A cheats.

*[A by false pretension deceives and thus dishonestly induces Z to give him goods on credit for which he has no intention to pay. So, he cheats.]*

(b) A, by putting a counterfeit(fake) mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.

(c) A, by exhibiting (showing) to Z a **false sample of an article** intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

*[If A shows Z a fake sample of a product and tricks Z into buying it, A is cheating.]*

(d) A, by tendering(providing) in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.

*[If A pays for an item with a cheque/bill from a bank where he has no money, knowing the cheque/bill will bounce, and tricks Z into giving him the item, A is cheating.]*

(e) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money. A cheats.

(f) A intentionally deceives Z into a **belief** that **A means(can) to repay any money** that Z may lend to him and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.

*[If A lies to Z about intending to repay a loan and tricks Z into lending him money, A is cheating.]*

(g) A intentionally deceives Z into a **belief that A means to deliver to Z** a certain quantity of indigo plant which he does not intend to deliver, and thereby dishonestly induces Z to **advance money** upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action **for breach of contract**.

*[If A lies to Z about delivering a certain amount of indigo plant and tricks Z into giving him money, A is cheating. But if A intended to deliver the indigo plant when he got the money and later didn't, it's just a breach of contract, not cheating.]*



*“In this Illustration there is deception at the outset and in consequence there is inducement to deliver something so it is cheating. But as in second case it is not so and deception develops later on after the delivery of things so it is not cheating”]*

(h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money. A cheats.

*[In this illustration, the deception into a belief that part of contract has been performed and there is inducement to deliver money. Hence it is cheating]*

(i) A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z, **without disclosing the fact of the previous sale** and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

### **Section 319: Cheating by personation. (IPC – 416)**

(a) A cheats by **pretending to be a** certain rich banker of the same name. A cheats by personation.

(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

### **Section 324: Mischief. (IPC – 425/426)**

(a) A voluntarily burns a valuable security belonging to Z intending to cause wrongful loss to Z. A has committed mischief.

*[A with the intention to cause wrongful loss to Z made destruction to the valuable security by burning it voluntarily. Therefore, he has committed the offence of mischief]*

(b) A introduces water into an ice-house belonging to Z and thus **causes the ice to melt**, intending wrongful loss to Z. A has committed mischief.

(c) A voluntarily **throws into a river a ring** belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.

(d) A, knowing that his effects are about to be taken in **execution in order to satisfy a debt due** from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. A has committed mischief.

*[A, knowing his belongings are about to be taken to pay a debt to Z, destroys them to prevent Z from getting the debt payment and to cause damage to Z. A has committed mischief.]*

(e) A having insured a ship, voluntarily causes the same to be cast away (abandoned), with the intention of causing damage to the underwriters (insurer). A has committed mischief.

(f) A causes a ship to be cast away (abandoned), intending thereby to cause damage to Z who has lent money on bottomry (mortgage) on the ship. A has committed mischief.

(g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(h) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z's crop. A has committed mischief.

*[A intentionally causes damage to the crops of Z's field which diminishes its value or utility. A is liable for the offence of mischief]*

### **Section 330: House-trespass and house-breaking. (IPC – 445)**

(a) A commits house-trespass by **making a hole** through the wall of Z's house, and putting his hand through the aperture(hole). This is house-breaking.

(b) A commits house-trespass by creeping (approach slowly) into a ship at a port-hole between decks (small window). This is house-breaking.

(c) A commits house-trespass by entering Z's house **through a window**. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, **having opened a door** which was fastened (closed position). This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, **having lifted a latch** (door locker) by **putting a wire through a hole in the door**. This is house-breaking.

(f) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.

(g) Z is standing in his doorway. A forces (ceate) a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.

(h) Z, the door-keeper of Y, is standing in Y's doorway. A commits house-trespass by entering the house, having deterred (prevent from doing sth) Z from opposing him **by threatening to beat him**. This is house-breaking.

### Section 335: Making a false document. (IPC – 464)

(a) A has a **letter of credit** (financial instrument that provide payment security) upon B for rupees 10,000, written by Z. A, in order to defraud B, adds cipher (zero) to the 10,000, and makes the sum 1,00,000 intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of selling the estate to B and thereby of obtaining from B the purchase-money. A has committed forgery.

*[A, without Z's permission, puts Z's seal on a document that falsely shows Z transferring property to A, intending to sell it to B and get money from B. A has committed forgery.]*

(c) A picks up (find) a cheque on a banker signed by B, payable to bearer, but without any sum having been inserted in the cheque. A **fraudulently fills up the cheque** by inserting the sum of ten thousand rupees. A commits forgery.

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable and authorises B to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand rupees. B commits forgery.

*[A gives B, his agent, a signed blank cheque and authorizes B to fill in an amount up to 10,000 rupees. B fraudulently writes 20,000 rupees. B has committed forgery.]*

(e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a genuine bill with a banker and intending to take up the bill on its maturity. Here, as A draws the bill with intent to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.

*[A writes a bill of exchange in B's name without B's permission, intending to use it as a genuine bill to get money from a banker. A has committed forgery.]*

(f) Z's will contains these words-"I direct that all my remaining property be equally divided between A, B and C." A dishonestly scratches out (cut) B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.

(g) A endorses a Government promissory note and makes it payable to Z or his order by writing on the bill the words "Pay to Z or his order" and signing the endorsement. B **dishonestly erases the words** "Pay to Z or his order", and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

*[A sells property to Z, then fraudulently creates an earlier-dated document showing he sold the same property to B, intending to trick Z. A has committed forgery.]*

(i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms(donation) from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.

(k) A without B's authority writes a letter and signs it in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery in as much as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an express or implied contract for service.

*[A writes a letter in B's name without permission, claiming A has good character to get a job from Z. A has committed forgery.]*



Explanation 1 A Man's signature of his own name may amount to forgery.

(a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed forgery.

(b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and negotiate (convert into cash) the bill as though it had been accepted by Z. A is guilty of forgery; and if B, knowing the fact, draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.

*[A writes "accepted" on a paper and signs Z's name, intending B to later write a bill of exchange on it and use it as if Z accepted it. A has committed forgery, and if B uses the paper knowing this, B is also guilty of forgery.]*

(c) A picks up (finds) a bill of exchange payable to the order of a different person of the same name. A endorses (writing on the back of a document) the bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable; here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B. B, after the seizure of the estate, in collusion with Z, executes a lease of the estate, to Z at a nominal rent and for a long period and dates the lease six months prior to the seizure, with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.

*[A buys property sold under a court order against B. B, with Z's help, creates a fake lease dated before the court order to defraud A. B has committed forgery.]*

(e) A, a trader, in anticipation of insolvency (bankruptcy), lodges effects with B (gives assets to B) for A's benefit, and with intent to defraud his creditors; and in order to give a colour to the transaction (pretend to be true such transaction), writes a promissory note binding himself to pay to B a sum for value received, and antedates the note (To date a document before the day of its signature or execution), intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

*[A trader, anticipating bankruptcy, gives assets to B and writes a promissory note with an earlier date to make it look like it was made before the bankruptcy. A has committed forgery.]*

## Explanation 2

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate (convert into cash) it. A commits forgery.

*[A writes a bill of exchange in the name of a fake person and fraudulently accepts it in that name to use it. A has committed forgery]*

## **Section 351: Criminal intimidation. (IPC - 503)**

A, for the purpose of inducing B to resist (stop) from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

*[If A wants to stop B from continuing a lawsuit and threatens to burn B's house, A is guilty of criminal intimidation.]*

## **Section 354: Act caused by inducing person to believe that he will be rendered an object of Divine displeasure. (IPC - 508)**

(a) A sits dharna at Z's door with the intention of causing it to be believed that, by so sitting, he renders Z an **object(purpose) of Divine displeasure** (religious punishment). A has committed the offence defined in this section.

*[It is "A's" aim to make 'Z' believe that by sitting dharna at Z's door, he makes Z an object of God's anger.]*

(b) A threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of Divine displeasure. A has committed the offence defined in this section.

## **Section 356: Defamation. (IPC – 499)**

(a) A says “Z is an honest man; he never stole B's watch”; **intending to cause it to be believed** that Z did steal B's watch. This is defamation, unless it falls within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it falls within one of the exceptions.

(c) A draws a picture of Z running away with B's watch, **intending it to be believed that Z stole B's watch**. This is defamation, unless it falls within one of the exceptions.

### 3<sup>rd</sup> Exceptions (Conduct of any person touching any public question)

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in **petitioning Government on a public question**, in signing a requisition for a meeting on a public question, in presiding or attending at such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

### 5<sup>th</sup> Exceptions (Merits of a case decided in court or conduct of witnesses )

(a) A says—"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest". A is within this exception if he says this in good faith, in as much as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(b) But if A says—"I do not believe what Z asserted (said) at that trial because I know him to be a man without veracity(liar)"; **A is not within this exception**, in as much as the opinion which expresses of Z's character, is an opinion not founded on Z's conduct as a witness.

[But if A says, "I do not believe what Z said at that trial because I know him to be a liar," A is not within this exception, as the opinion is not based on Z's conduct as a witness.]

### 6<sup>th</sup> Exceptions

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(d) A says of a book published by Z – "Z's book is foolish; Z must be a weak man. Z's book is indecent; Z must be a man of impure (wrongful) mind." **A is within the exception**, if he says this in good faith, in as much as the opinion which he expresses of Z respects Z's character only so far as it **appears in Z's book**, and no further.

(e) But if A says "I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine." **A is not within this exception**, in as much as the opinion which he expresses of Z's character is an opinion **not founded** (based) **on Z's book**.

### 7<sup>th</sup> Exceptions

A Judge censuring (criticizing) in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his orders, a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness (poor) in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier are within this exception.

*[A judge criticizing a witness or court officer, a department head criticizing their subordinates,*

*a parent criticizing a child in front of other children,*

*a schoolmaster (with authority from a parent) criticizing a student in front of other students,*

*a boss criticizing an employee for poor performance, or*

*a banker criticizing a cashier for their conduct are all examples of this exception]*

### 8<sup>th</sup> Exceptions

If A in good faith **accuses Z** before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father - A is within this exception.

*[If A honestly accuses Z before a Magistrate, complains about Z's conduct to Z's employer, or complains about Z's behavior to Z's parent, A is not defaming Z.]*

### 9<sup>th</sup> Exceptions

(a) A, a shopkeeper, says to B, who manages his business – "Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.



(b) A, a Magistrate, in making a report to his own superior officer, casts (tells) an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception.

