

UNIT – I

General Principles of Crime & IPC Foundations

Actus Reus • Mens Rea • Parties to Crime • General Explanations • Punishments

Criminal Law Series

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Actus Reus & Mens Rea

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What is a Crime?

A crime is an act or omission that is prohibited by law and made punishable. It is a public wrong — an offence against society as a whole, prosecuted by the State, and punishable with imprisonment, fine, or other sanctions.

Public Wrong

Crime is regarded as a wrong against the community, not merely against an individual.

Moral + Legal Wrong

Traditionally linked to moral culpability, but modern law also includes regulatory offences.

State Prosecution

Proceedings are conducted in the name of the State; victim is a witness, not the master of the case.

Punishment Oriented

Primary aim is punishment, deterrence, and protection of society (unlike civil remedies).

Distinction under Common Law

Point	Crime	Civil Wrong / Tort
Nature	Public wrong	Private wrong
Parties	State vs Accused	Plaintiff vs Defendant
Object	Punishment & deterrence	Compensation
Standard of Proof	Beyond reasonable doubt	Preponderance of probabilities
Compromise	Generally not compoundable	Can be settled

Actus Reus and Mens Rea

Actus Reus

The physical or external component of a crime — the guilty act.

Includes:

- Positive acts
- Illegal omissions (where there is a duty to act)
- Consequences / results
- Surrounding circumstances

Must be voluntary. Reflex actions or acts done in a state of automatism generally do not constitute actus reus.

Mens Rea

The mental or internal component — the guilty mind.

Forms of mens rea:

- Intention
- Knowledge
- Recklessness
- Negligence (in some offences)

Maxim: Actus non facit reum nisi mens sit rea — an act does not make a person guilty unless the mind is also guilty.

When Mens Rea is Not Required

In many modern statutory offences (especially regulatory and welfare offences), the legislature may create strict or absolute liability where mens rea is not required. Courts still presume mens rea unless the statute clearly excludes it.

Actus non facit reum nisi mens sit rea

The act alone does not make one guilty; the mind must also be guilty.

Ignorantia facti excusat

Ignorance of fact is an excuse (subject to conditions).

Ignorantia juris non excusat

Ignorance of law is no excuse.

Nullum crimen sine lege

No crime without law — conduct must be prohibited by law before it can be punished.

General Defences Affecting Mens Rea

Mistake

Mistake of fact can be a defence if it negates mens rea (e.g., bona fide belief). Mistake of law is generally no defence.

Intoxication

Voluntary intoxication is ordinarily no defence. Involuntary intoxication may negate mens rea. Relevant under Sections 85–86 IPC.

Compulsion / Duress

Acts done under threat of instant death may be excused in limited circumstances (Section 94 IPC), subject to exceptions.

Legally Abnormal Persons

Children (doli incapax), persons of unsound mind (Section 84), and intoxicated persons have special rules of liability.

Classification of Participants

Principal in the First Degree

The person who actually commits the actus reus of the crime — the main perpetrator.

Principal in the Second Degree

Person present at the scene who aids, abets or assists the commission of the crime (aider and abettor present).

Accessory before the Fact

Person who counsels, procures or instigates the crime but is not present at the time of commission.

Accessory after the Fact

Person who, knowing a crime has been committed, receives, comforts or assists the offender to escape justice.

Key Definitional Sections

Sections 1–5, 6, 7, 21–30, 32–37, 52 & 52A

Secs 1–5

Extent & Operation

Title, extent, operation of the Code, and certain savings.

Sec 6 & 7

Definitions & Sense

Definitions in the Code to be understood subject to exceptions; sense of expression once explained.

Secs 21–30

Public Servant etc.

Definitions of public servant, movable property, wrongful gain/loss, document, etc.

Secs 32–37

Acts & Omissions

Words referring to acts include illegal omissions; common intention, etc.

Sec 52

Good Faith

Nothing is said to be done in good faith which is done without due care and attention.

Sec 52A

Harbour

Definition of harbouring an offender.

High-Yield Sections

Sec 21

Public Servant

Wide definition covering government officers, judges, local authority officers, etc.

Sec 23–24

Wrongful Gain / Loss

Gain or loss by unlawful means of property to which the person is not legally entitled.

Sec 29

Document

Any matter expressed or described upon any substance by means of letters, figures or marks.

Sec 32

Acts include Omissions

Words which refer to acts done extend also to illegal omissions.

Sec 34

Common Intention

Acts done by several persons in furtherance of common intention — each is liable as if he did it alone.

Sec 52

Good Faith

Requires due care and attention. Honest belief alone is not enough.

Sections 53 to 75 – Overview

Sections 53–55A, 63, 64, 65, 73–75

Death

Capital punishment for the most serious offences (rarest of rare).

Imprisonment for Life

Rigorous or simple; treated as imprisonment for the remainder of natural life (subject to remission).

Imprisonment

Rigorous (with hard labour) or simple. Term as prescribed in the offence.

Forfeiture of Property

Limited application; largely restricted after constitutional scrutiny.

Fine

Monetary penalty. Can be imposed alone or in addition to imprisonment.

Solitary Confinement

Limited periods permitted under Sections 73–74 as part of rigorous imprisonment.

KEY TAKEAWAYS

Summary of Unit-I

- 01 Crime is a Public Wrong**
Prosecuted by the State; aims at punishment and protection of society.
- 02 Actus Reus + Mens Rea**
Both physical and mental elements are generally required for criminal liability.
- 03 Variations & Defences**
Mistake of fact, involuntary intoxication, compulsion and unsoundness of mind can affect liability.
- 04 Parties to Crime**
Principals (1st & 2nd degree) and accessories (before & after the fact) share liability in different degrees.
- 05 IPC Framework**
General Explanations define key terms; Punishments chapter lays down the sentencing options.

Thank You

“Actus non facit reum nisi mens sit rea”

UNIT-I | Criminal Law – General Principles