

COURSE CONTENT & CASE LAW

**CRIMINAL LAW – I
(Specific Offences)
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**Law Centre – I,
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CRIMINAL LAW - I

Objectives of the Course:

The primary objective of criminal law is to maintain law and order in the society and to protect the life and liberty of people. It is for this reason that the people place their ultimate reliance on this branch of law for protection against all injuries that human conduct can inflict on individuals and institutions. Due to these reasons, the penal law cannot afford to be weak, ambiguous or ineffective. Nor can it be harsh and arbitrary in its impact. The application of criminal laws has to be uniform regardless of any discrimination on grounds of class, caste, religion, sex or creed etc. of either the criminal or the victim. The subject of Criminal Law-I has been so designed as to generate critical thinking among the students about the stated objectives of criminal law and enable them to scrutinise the recent developments and changes that have taken place in the field. The primary objectives of this course are:-

- To familiarise the students with the key concepts regarding crime and criminal law.
- To expose the students to the range of mental states those constitute *mens rea* essential for committing crime.
- To teach specific offences under the Indian Penal Code.
- To keep students abreast of the latest developments and changes in the field of criminal law.

General Readings:

1. R. C. Nigam. Law of Crimes- Principles of Criminal Law, Vol. 1 (1965) Asia Publishing House
2. Rattan Lal Dhiraj Lal, Indian Penal Code (30th Ed. 2004) Wadhwa and Co.
3. P.S. Atchuthen Pillai, Criminal Law (8th ed. 1998 2nd Reprint). N. M. Tripathi
4. P.S. Atchuthen Pillai, Criminal Law, V. Suresh and D. Nagasaila (eds.) (9th ed. 2000) Butterworths
5. Dr. Hari Singh Gaur's Penal Law of India, (11th ed 2003) Law Publishers (India) Pvt Ltd.
6. K.D. Gaur, Criminal Law Cases and Materials (3rd ed. 1999) Butterworths

CONTENTS

1. General Introduction

- a. Nature and definition of crime; state's power to determine acts or omissions as crime; Distinction between crime and other wrongs
- b. Historical outline of crime, penal law in India; IPC- a reflection of different social and moral values; salient features
- c. Constituent elements of Crime: Human being, actus reus, mens rea, injury and punishment.

Readings

- i. R.C. Nigam, Law of Crimes – Principles of Criminal Law, Vol. I, (1965) Asia Publishing House, pp 25-44.
- ii. P.S. Atchuthen Pillai, Criminal Law (8th ed. 1998 2nd Reprint). N. M. Tripathi. pp, 10-12, 16-20.

2. Specific Offences

A. Homicide (Culpable Homicide, Murder, Rash or Negligent Act) Ss. 299-304A r/w Ss. 8-11, 21, 32, 33, 39, 52

- i. *Rawalpenta Venakalu v. State*, AIR 1956 SC 171
- ii. *The Public Prosecutor v. Mosshonooory Suryanarayanmoorty*, 13 IC 833
- iii. *Thabo Meli and others v. R.* (1954) 1 ALL E R 373(PC)
- iv. *Virsa Singh v. State*, AIR 1958 SC 465
- v. *State of Andhra Pradesh v. R. Punnayya and others*
- vi. *Emperor v. Dhirajia*, AIR 1940 All 61
- vii. *Gyarsibai v. State*, AIR 1953 MB 61
- viii. *K.M. Nanavati v. State*, AIR 1962 SC 605
- ix. *Dhirajbhai Gorakhbai Naik v. State of Gujarat*, (2003) 9 SCC 322
- x. *D.P.P. v. Camplin*, (1978) 1 ALL E R 1236
- xi. *Latel v. State of Chattisgarh*, (2001) 9 SCC 135
- xii. *Vijay v. State of MP* (1994) 6 SCC 308
- xiii. *R. v. Ahluwalia*, (1992) 4 ALL E R 889
- xiv. *Katherine O'Donovan*, 'Defences for Battered Women Who Kill', 18 (2) Jr of Law and Society, 219 (1991)
- xv. *Cherubin Gregory v. State*, AIR 1964 SC 205
- xvi. *Mohd. Aynuddin v. State of AP*, (2000) 7 SCC 72

B. Violence against Women Ss. 304B, 498-A, 375-376 r/w S. 90

- i. *Satvir Singh v. State of Punjab*, (2001) 8 SCC 633
- ii. *Shanti v. State of Haryana*, AIR 1991 SC 1226
- iii. *Tukaram v. State of Maharashtra*

- iv. An Open Letter to the Chief Justice of India
- v. *Bhupinder Sharma v State of HP*, (2003) 8 SCC 551
- vi. *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384
- vii. *Bodhisatwa Gautam v. Subhra Chakroborty*. (1996) 1 SCC 490
- viii. Lotika Sarkar, 'Rape: A Human Rights v. A Patriarchal Interpretation, 1(1) Indian Journal of Gender Studies, 69 (1994)

C. Hurt, Grievous hurt Ss, 319-323,325

- i. *E.K.Chandrasevan v. State of Kerala*, (1995) 2 SCC 99
- ii. *Naib Singh v. State of Punjab*, (1986) 4 SCC 401

D. Kidnapping and Abduction Ss. 359-365 r/w Ss. 18, 349

- i. *S. Vardarajan v. State*, AIR 1957 SC 942
- ii. *Prakash v. State of Haryana*, (2004) 1 SCC 339

E. Theft and Extortion Ss. 378-379, 383-384 r/w Ss. 22 – 25, 44

- i. *K.N. Mehra v. State of Rajasthan*, AIR 1957 SC 369
- ii. *Pyare Lal Bhargava v. State*, AIR 1963 SC 1094
- iii. *State of Karnataka v. Basevegowda*, (1997) Cr. L.J. 4386.

F. Criminal Misappropriation, Criminal Breach of Trust and Cheating Ss. 403-406, 415-416, 419-420 r/w Ss. 29,30

- i. *J. M. Desai v. State of Bombay*, AIR 1960 SC 889
- ii. *Kailash Kumar Sanwalia v. State of Bihar*, (2003) 7 SCC 399
- iii. *Jiwan Das v. State of Haryana*, (1999) 2 SCC 530
- iv. *Mahadeo Prasad v. State of WB*, AIR 1954 SC 724
- v. *Shri Bhagwan S.S.V.V.V. Maharaj v. State of AP*, (1999) SCC 740