



KS EXECUTIVE



JIGL

LAST

**MONTH REVISIONARY
NOTES**

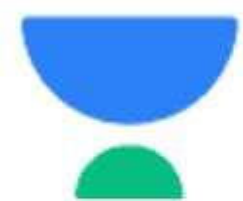
BHARATIYA NYAYA SANHITA, 2023

ONE SHOT

HAND WRITTEN

REVISIONARY NOTES

CS AMIT VOHRA



unacademy

USE CODE

AVC

LET'S CRACK IT!

Contact us:  8585858585  9811636123 || 9999330674

① Introducⁿ to Crime

Social Phenomena + Against Society + Concept of crime changes with time.

② Civil v/s Criminal Wrong

Wrong against Individual \leftrightarrow Wrong against Society.

③ BNS, 2023 = Indian Legislation + 1st July, 2024 + Whole of India
+ Substantive Law + Define offence & laid down punishments
+ 20 chapters + 358 Sections
→ Sec 1(3)

④ Intra Territorial v/s Extra Territorial Jurisdiction

Within Indian territory (Article 1 Territory + Water Territory + Indian regt Ship/Aircraft)
Indian/Foreign Criminal

Note - Ignorance of Law is no excuse.

(1957) Mobashir Ali Ahmed v/s State of Bombay

outside India to bring the foreigners under the ambit of IPC.
Not necessary to make the law published

Exemptions from Intra-Territorial

President/Provision + Foreign Sovereign + Diplomats + Military person on mission with special status in India.

→ Sec 1(4)
→ Article 361(2)
Extra Territorial = Laws applicable outside Indian Territory

- ↳ Crime done by AV outside India.
- ↳ Hacking done by Pado Rosati from Italy.
- ↳ Indian Plane Hijacked in Nepal by Pakistani Terrorists.
- ↳ Computers Hacking from Outside India of Targeted Computer Resource located in India.

⑤ Admiralty Jurisdiction = Ship is a floating Island.

Ship/Boat + Moving/Stationery + High Seas/Rivers = Indian Flag = Indian Admiralty Jurisdiction

⑥ Fundamental Elements of Crime

Human Being + Mens Rea + Actus Reus (includes omission)

Capable of being punished

Intention (Purpose clear)

↳ An act is a willed movement of body.

or Negligence (Not taking due care)

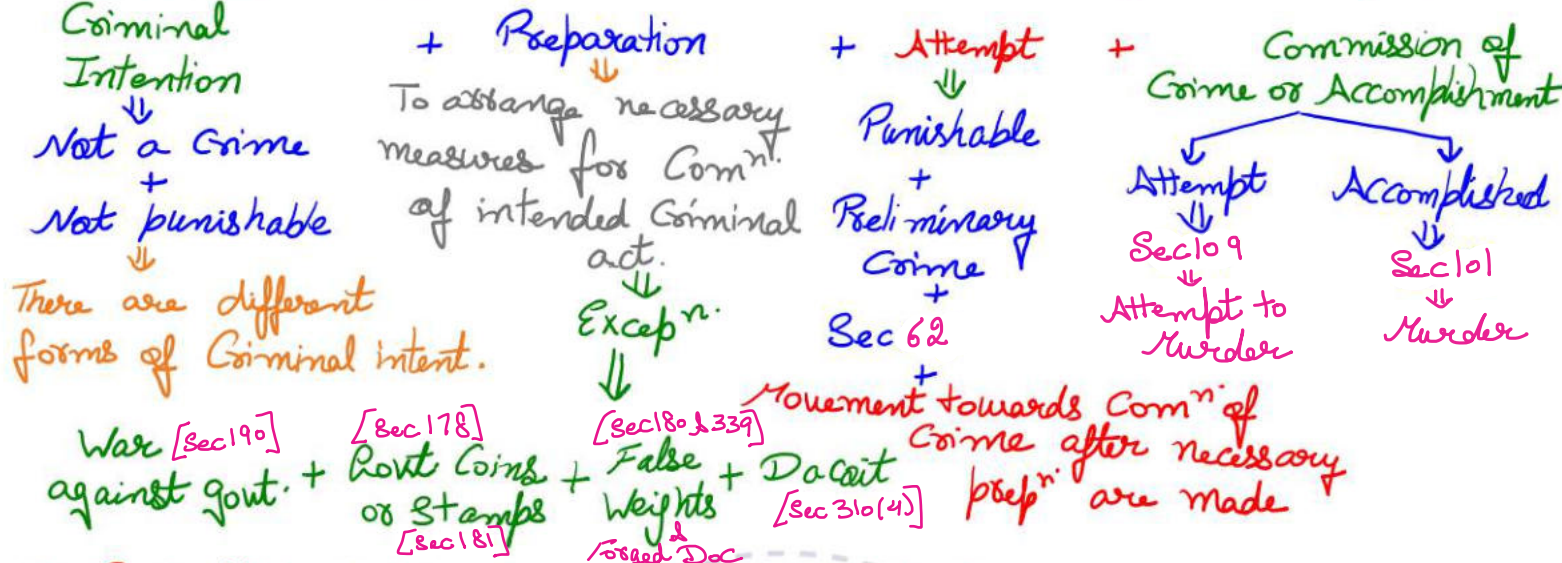
Exceptions of Mens Rea

- Absolute Liab - (Hotel etc)
- Petty Fines
- Public Safety
- Without Knowledge

or Recklessness (Actor doesn't desire the consequence, but foresees the possibility & consciously takes the risk.)

⑦ Corporate Body & Mens Rea (Alter Ego) = Intent of BoD is an intent of company. State of Maharashtra (1964) v/s Syndicate Transport

⑧ Stages of Crime



⑨ Presumption of Innocence & Burden of Proof

Accused is innocent, till he is proven guilty by the prosecution.

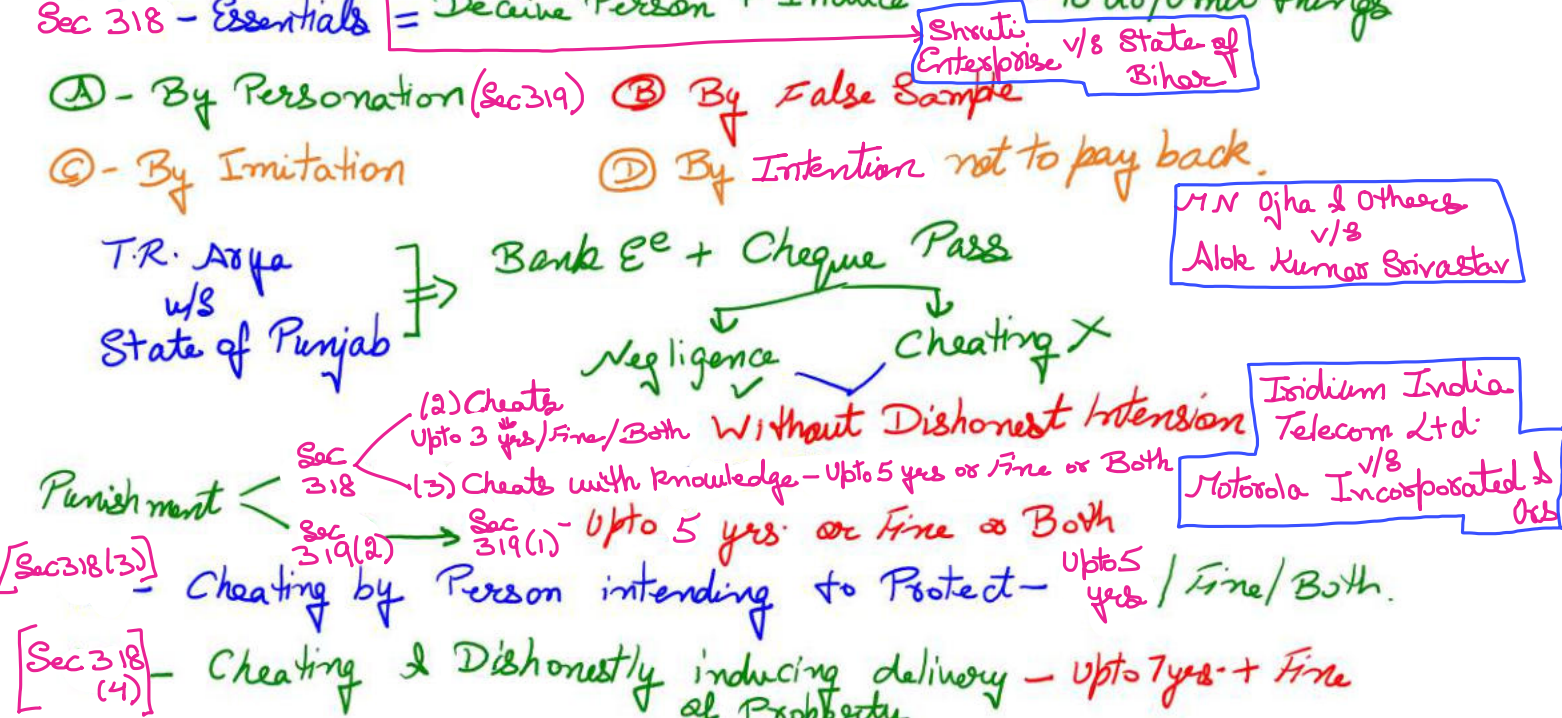
⑩ Punishments (Death + life Imprisonment + Imprisonment + Forfeiture + Fine)



⑪ [Sec 61(1) & (2)] - Criminal Conspiracy



⑫ [Sec 318 & 319] Cheating



13 [Sec 314 & 315] Criminal Misappropriation of Property

6m - 2 yrs
or
Fine or Both

Property of deceased person after his death.

1) Finder didn't return (Aware about Owner)

offender is unknown to deceased person

offender is an employee of deceased person.

2) Implied Consent of Owner (to use only but bailee sold out)

Fine + Upto 3 yrs.

Fine + Upto 7 yrs.

3) Sale by joint Owner without sharing proceeds

Sec 314 Case Laws

Bhagiram Dome v/s Abase Dome

Mohd. Ali v/s State

U Dhar v/s State of Jharkhand

VR Dohal v/s Yogendra Narayanji Thakkar

14 [Section 316] Criminal breach of Trust

316(1) - Meaning = Accused acted Dishonestly

Personal Purpose.
other

Ankesh Nath Mishra v/s State (NCT)

316(2) - Punishment = upto 5 yrs / Fine / Both

316(3) - By Carrier = Upto 7 yrs + Fine

Susya Lakshmi Cotton Mills v/s Rayvir Industry

316(4) - By Clerk/Servant = Upto 7 yrs + Fine

Sx Alogh v/s SOUP

Girish Saini v/s State of Rajasthan

316(5) - By Banker/Public Servant = For Life / Upto 10 yrs (+) Fine

Bachhu Singh v/s SO Haryana

Ram Ardas Chaukhanj v/s Hosi Ram Todi

15 Fraudulent Deeds & Dispositions of Property [Sec 320 - 323]

320 - Transfer of Property without adequate consⁿ + Intension to deceive Creditors

321 - Dishonest or fraudulent prevention of debt being available for creditors

322 - Benami Transactions (Prohibition) Act, 1988 related. Com^r of W Tax v/s C.D Naider

323 - Dishonest or False claim to avoid payment to creditors.

16 [Section 336] Forgery (Wrong done with document/Record = Forgery)

336(1) - Document executed loss to other or Profit to self with forgery is Forged Document.

Babis Kaur v/s State of Punjab (2011)

336(2) - Punishment - Upto 2 yrs / Fine / Both

Ram Chandran v/s State

Praminder Kumar v/s SOUP

17 [Sec 499-502] Defamation

Sec 356(1) - Words / Signs / Visible representation + Publish Content + Person related + Reputation Harm = Defamation

Exceptions under Defamation

- Imputation of Truth which public good requires to be published
- Public Conduct of Public Servants
- Conduct of any person touching any Public Question
- Publication of reports of proceedings of Court
- Merits of Case decided in Court or Conduct of witnesses & Others

Caution intended for good of a person to whom conveyed or for public good

Merits of Public Performance

Censure (warning) passed in good faith by Person having lawful authority over other

Accusation preferred in good faith to authorised person

Imputation made in good faith by person for protection of his or other's interests

- Sec 356(2) - Punishment for defamation = Imp Upto 2 yrs / Fine / Both / Com Service
- Sec 356(3) - Printing/Engraving matter known to be defamatory
- Sec 356(4) - Sale of Printed or Engraved Substance

General Exceptions or Defences under BNS, 2023 (20 Defences) [Sec 14-33]

- Mistake of Fact bound by law [Sec 14]
- Act of Judge when acting judicially [Sec 15]
- Act done pursuant to the judgement or order of Court [Sec 16]
- Mistake of Fact justified by law [Sec 17]
- Accident in doing a lawful act [Sec 18]
- Act likely to cause harm, but done without criminal intent & to prevent other harm [Sec 19]
- Act of a Child under 7 years of Age [Sec 20]
- Act of a Child above 7 & under 12 of immature understanding [Sec 21]
- Act of a person of Unsound Mind [Sec 22]
- Act of a person incapable of judgement by reason of intoxication caused against his will. [Sec 23]
- Offence requiring a particular intent or knowledge committed by one who is intoxicated. [Sec 24]
- Act not intended or not known to be likely to cause death or previous hurt, done by Consent. [Sec 25]
- Act not intended to cause death, done by Consent in good faith for person's benefit. [Sec 26]
- On Consent of Guardian if any act is done in good faith to it. [Sec 27]
- Consent [Sec 28]
- Exclusion of acts which are offences independently of harm caused. [Sec 29]
- Act done in good faith for benefit of a person without consent. [Sec 30]
- Communication made in good faith [Sec 31]
- Act to which a person is compelled by threats [Sec 32]
- Act causing slight harm [Sec 33]

Main 6 Excpⁿ

- Judicial Acts
- Mistake of Fact
- Accident
- Trifling Act
- Consent
- Absence of Criminal Intention

Death & Community Service ⇒ Minor offences + Balanced & Re-habilitative Justice + USA +

→ Case of the Rarest Case → Bachhan Singh v/s State of Punjab → Capital Punishment

→ Fall Offences

- Murder
- Dacoit with Murder
- Waging War against ROI
- Abetting Murder actually committed
- False Evidence upon attempted murder of life convict

→ Public Conduct by Disreputable Person 355-356 Defamation

- Murder
- Mob lynching (500 more people)
- New Terrorism offences
- Death/Life Imp
- Upto 7 yrs / Life Imp / Death
- Loss of Game Committed
- ₹10 Lakh

→ 202 Involve of Pub Servant illegal Trade

→ 209 Non-appearance in response to proclamation

→ 226 Attempt to Commit suicide to influence legal authority

→ 303 Petty theft Value < ₹5000 + Recovered

→ Offences Govt/Tribunal Imp also

→ Fine v/s Penalty

- Non Compliances Authority No Imp