
INSTANCES WHEN CULPABLE HOMICIDE AMOUNTS TO MURDER

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ABSTRACT

The provisions of the Indian Penal Code related to murder and culpable homicide are seen to be challenging and technical, which often leads to misunderstandings. It's common to think of culpable homicide as the genus and murder as the species in order to have a wide knowledge of the subject. Sections 299 and 300 of the IPC are referred to as Culpable Homicide and Murder, respectively. Only when the activities fall under one of the four categories stated in Section 300 will they be considered murder; otherwise, they won't. The provisions' exclusions must also be taken into account in this situation. The consequent punishments for these offences as above mentioned also mentioned in the clauses i.e. if found guilty of murder he will be punished with Section 302. While, if the offence amounts to a culpable homicide that does not equal murder, the perpetrator may be punished under Section 304, which describes the penalty, based on the seriousness of the offence. The distinction between murder and culpable homicide, both of which are committed with the purpose to inflict physical harm to a person, is in the likelihood that a person will die in each instance. This mysterious idea creates a lot of confusion. In India, severe crimes like murder, culpable homicide, and non-culpable homicide may be used to describe such acts, but in America, terms like 1st, 2nd, and 3rd degrees of murder are used. This depends on how serious the offence is that is being committed. It would fittingly fall within the idea of murder and not culpable homicide if the offender's act is either a horrible crime or is so hazardous that the commission of the same can only result in the death of a person and no other consequence is feasible. However, if the victim is still alive after suffering severe harm and still has a possibility of surviving, it amounts to culpable homicide rather than murder.

INTRODUCTION

The Indian Penal Code, 1860's largest chapter is the Offences Affecting the Human Body Chapter, which runs from Sec 299 to Sec 377. (IPC). A wide range of offences that can be committed against human life is covered by the provisions mentioned in this chapter. Mens rea and actus reus are the two main components of a crime. While mens rea denotes the criminal's guilty state of mind, actus reus refers to the crime's actual commission. A person can commit illegal conduct or omit to perform something that they were required to do by law.¹

This article discusses the two most important IPC offences—murder and culpable homicide—each of which is covered separately in Sec 299 and 300². Availability for culpable murder is outlined in Sec 299 of the IPC, and Sec 300 contains provisions for murder. If an intentional killing is demonstrated and occurs between any of the four clauses listed in Sec 300, murder has occurred. It should be determined if the case's circumstances are the exclusions outlined in the availability.

If a person is found to have done the death of a person in accordance with terms of Sec 300, he may be subjected to torture u/s 302, which deals with the punishment of murder. However, depending on the severity of this offence, torture may be used as a form of punishment u/s 304 if the crime consists of a censurable killing that is not murder. There are three levels of commensurable murder. Interrogation is punishable as provided u/s 304 since the main degree is punishable under sec 302, the second degree is punishable under the primary "part" of sec 304, and so forth.

Murder belongs to the genus "Culpable Homicide," of which it is a species. It is important to note that murder is the most serious type of culpable homicide. The degree of purpose can be used to distinguish between the two.

ANALYSIS

Culpable Homicide:

The term "homicide" describes when a person kills another person's being or causes harm or causes death. It is the greatest degree of physical harm that can be done to a person's body. It

¹THE INDIAN PENAL CODE, 36th Edition by RATANLAL & DHIRAJLAL

² INDIAN PENAL CODE, 1860

is not always required for a person who kills to be held accountable in court. combined degrees. For instance, under Section 100 of the IPC, killing someone who threatens one's life is not prohibited. Similarly, under Sections 76 and 78 of the IPC, killing someone who is the victim of a factual mistake or acting in line with a court order is not prohibited.

Ingredients of Culpable Homicide

Actus Reus: The act must be that kind which endangers a person's life or damages it to the point where the person dies. Most of the time, the conduct would be extremely violent toward the victim. Examples of actions that might constitute a culpable homicide include stabbing someone in the important organs of the body, shooting at point-blank range, or poisoning them. The provision refers to "causing killing by doing an act,"³

Intention/ Mens Rea: The activities carried out with the intent to kill. Therefore, when you push someone as a joke and he suffers an injury in the brain and thereafter dies, there was no intent to cause death. However, when you push someone on purpose with the expectation that they will fall and pass away, that is when "the act was done with the intent to cause death."

To prove intention of the action, where there is "bodily injury is likely to cause death". The act can be classified to 2 types;

1. When the injury is of such type that it would cause death.
2. In cases where there are injuries and acts between the injuries and the death, provided the delay is not too obvious, one must demonstrate that the injuries were intentionally caused to result in death.

Knowledge: The act is being committed with knowledge, which implies the offender may not have intended to murder or damage the other person, but he is aware and the idea that doing so may endanger that person's life or result in physical harm or even death.

Culpable Homicide amounting to Murder

Sec 300 deals with "Culpable Homicide which is amounting to murder." This section states that there are some situations that will lead the culpable homicide as murder. These are two conclusions mainly -

³ INDIAN PENAL CODE, 21ST Edition by Prof. S.N. MISHRA

1. The act which is committed must come under the perquisites or conditions which are required to name it as murder.

2. All acts of murder are culpable homicides, but all acts of culpable homicides are not murders.

• For murder, a very high level of intention is required. Intentions should be given with the aim to kill the recipient, not just to injure them or to cause them great pain without intending to kill them. The situations that come under:⁴ -

• Shooting an individual in a very close proximity

• Hurting an individual by stabbing

• Someone being hanged till death

• Hurting someone with a bomb

• Poisoning a person

• Interfering with the bodily injuries that the defendant knows will cause death to someone. In the second scenario, the perpetrator harms the victim in a way that results in death because they have unique knowledge of their condition. It says that the criminal is aware of the most likely to make the death.

• Bodily harms that result in a person's death naturally in the course of things: It has mainly two conditions;

1. Inflicting physical harm on someone with the aim to kill them is considered intentional harm.

2. When someone sustains a physical injury in the normal sequence of events, they pass away.

• Committing an additional imminently risky act without an additional or valid reason could result in death or serious physical harm could result in death. This sec addresses the execution of those actions which are so immediately harmful that, if carried out, they could result in a person's death or serious bodily harm and that they are done without a valid justification.

⁴ TEXT BOOK ON INDIAN PENAL CODE, 7th Edition by KD GAUR

Difference between Culpable Homicide and Murder

The amount of knowledge and purpose involved is the only fundamental distinction between culpable homicide and murder. The case would involve murder the more information and intention there was. A culpable homicide would be included in the case if there was less than full knowledge or intent. However, it might be challenging to draw clear lines of demarcation or make a rigid difference between culpable homicide and murder.

- **Requirement of Intention:** The killer must have planned or intended to cause severe bodily harm that would almost certainly result in death for the killing to be declared culpable. This suggests that the individual causing the damage is doing so on purpose and has the necessary mental capacity. See you later. If the victim was intentionally injured, the court will decide if those injuries were likely to make the person die. The requirement that the individual inflicting the injuries must have knowledge that doing so will cause the victim's death is not included in the clause.
- **Requirement of knowledge:** The offender must have knowledge that their actions are such that a death result is almost certain before they may be executed for their crimes. Further, murder also includes the perpetrator being aware that the action taken is so immediately harmful that it should almost certainly result in death.

Referring to some landmark judgements;

In “Kesar Singh v. State of Haryana”⁵, the judgement of the court was “the distinction between knowledge and intention. Knowledge in the context of Sec 299 would, inter alia, mean consciousness or realisation or understanding. The distinction between the terms “knowledge” and “intention” again is a difference of degrees. An inference of knowledge that it is likely to cause death must be arrived at keeping in view the fact situation obtained in each case. The accused must be aware of the consequences of his act.”

In another landmark judgement, “Rampal Singh v. State of U.P.”⁶ the judgement of the court “the definitions of "culpable homicide" and "murder" were altered in a number of ways by Code Sections 299 and 300. According to Section 299, "culpable homicide" is defined as an act that causes death with one of the following intents: I the intention to cause death, (ii) the

⁵ Criminal Appeal No. 754 of 2008 (Arising out of SLP (Crl.) No.1241 of 2007) in the Supreme Court of India

⁶ Criminal Appeal No. 2114 of 2009 in the Supreme Court of India

intention to cause bodily harm that is likely to result in death, or (iii) the knowledge that such an associate degree act is likely to cause death.”

It can be seen from the above interpretations this clause that first portion of it places more emphasis on the word "intention" and the second on "knowing." These are all favourable mental attitudes, but they range in strength. The comprehension of the consequences of behaviour, or the mental component of "culpable homicide," is one among intention and data. When one of the three expressways mentioned above is utilised to commit an offence, it is considered "culpable homicide." However, despite the fact that Sec 300 of the Code lacks a precise definition of "murder," it deals with the crime.⁷

CONCLUSION

Murder and the crime of culpable homicide are similar offences, and it might be difficult to distinguish between the two. Reading the provisions, however, enables one to deduce that murder is only an aggravating form of capital punishment and is a weapon since it has a higher mortality risk. The IPC does not define murder, but rather declares in Section 300 of the IPC that a circumstance in which the death sentence was once permitted would constitute murder. Thus, culpable homicide is a type of murder. A wrongful death would amount to murder under the situations listed in Sec 300 of the IPC, and the exceptions to this sec provide forth the specific situations in which a wrongful death would not constitute murder.

⁷ Article on The Difference between “culpable homicide amounting to murder and culpable homicide not amounting to murder” by Riya Jain On Legal Service India E-Journal.