

Source: [sooperkanoon.com/act/466181](http://sooperkanoon.com/act/466181)

**The Indian Penal Code 1860**

**Section 98 - RIGHT TO PRIVATE DEFENCE AGAINST THAT ACT OF A PERSON OF UNSOUND MIND, ETC. When an act, which would otherwise be a**

a) Z, under the influence of madness, 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. (b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, 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.