

The Indian Penal Code 1860

Section 299 - CULPABLE HOMICIDE Whoever causes death by doing an act with the intention of causing death, or with the intention of

a) A lays sticks and turn over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z believing the ground to be firm, treads on it, falls in and is killed, A has committed the offence of culpable homicide. (b) A knows Z to be behind a bush. B does not know it. A intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence, but A has committed the offence of culpable homicide. (c) A, by shooting at a fowl with intent to kill and steal it, kills B who is behind bush, A not knowing that he was there. Here although A was doing an unlawful Act, he was not guilty of culpable homicide as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death. Explanation 1 : A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death. Explanation 2 : Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented. Explanation 3 : The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born. COMMENTS Homicide means the killing of a human being by a human being. Homicide may be (i) culpable i.e. criminal; (ii) justifiable; (iii) excusable. Homicide is not necessarily a crime. It is a necessary ingredient of the crimes of murder and manslaughter, but there are other cases in which homicide may be committed without criminal intent and without criminal consequences, as, where it is done in the lawful execution of a judicial sentence, in self-defence, or as the only possible means of arresting an escaping felon. The term "homicide" is neutral; while it describes the act, it pronounces no judgement on its moral or legal quality. A person is guilty of criminal homicide if he purposely, knowingly, recklessly or negligently causes the death of another human being. Criminal homicide is murder, manslaughter or negligent homicide. Justifiable Homicide Such as is committed intentionally, but without any evil design, and under such circumstances of necessity or duty as render the act proper, and relieve the party from any shadow of blame; as where a sheriff lawfully executes a sentence of death upon a malefactor, or where the killing takes place in the endeavor to prevent the commission of felony which should not be otherwise avoided, or as a matter of right, such as self-defence or other causes provided for by statute. Excusable homicide The killing of a human being, either by misadventure or in self-defence. Such homicide consists of a perpetrator's acting in a manner which the law does not prohibit, such as self-defence or accidental homicide. The name itself imports some fault, error, or omission, so trivial, however, that the law excuses it from guilt of felony, though in strictness it judges it deserving of some little degree of punishment. It is of two sorts,--either per infortunium, by misadventure, or se defendendo, upon a sudden affray. Homicide per infortunium is where a man, doing a lawful act, without any intention of hurt, unfortunately kills another; but, if death ensue from any unlawful act, the offence is manslaughter, and not misadventure. Homicide se defendendo is where a man kills another upon a sudden affray, merely in his own defence, or in defence of his wife, child, parent, or servant, and not from any vindictive feeling. There must be a direct and distinct, not immediate and not to remote a connection between the 'act' and death caused.