

Relationship Between Culpable Homicide and Murder

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ABSTRACT: First and foremost, it is reasonable to assume that the two crimes of culpable homicide and murder are neither mutually exhaustive nor exclusive, nor do they require that every incidence of killing be one of the two. Offence is determined by the degree of criminality, which is determined by the offender's knowledge and purpose. That knowledge and purpose might be of the type indicated once more. If it is the case, the question of whether the crime is murder or culpable homicide arises. Murder is defined as an aggravated form of culpable homicide under Section 299 of the Indian Penal Code, 1860. According to this viewpoint, all murder must be responsible homicide, but not the other way around. However, an offense might include all of the components of murder but only be culpable homicide if it also has the extra mitigating characteristics listed in the exceptions. In certain situations, the severity of the crime fluctuates due to factors that reduce the core heinousness of the crime. Apart from that, an offense may nevertheless be considered culpable homicide in the first instance if it lacks the characteristics of murder. Though the two classes of offenses appear to be distinct when viewed with the naked eye, and the Indian judiciary has extensively dealt with the subject to explain the interconnection between the two, the key to understanding the interconnection and difference between the two lies in the fact that knowledge and intention must not be confused. The goal of this article is to identify the elements that lead to a lack of clarity in the judiciary, culminating in a reversal of decision.

KEYWORDS: Culpable Homicide, Knowledge, Intention, Murder.

1. INTRODUCTION

Criminal law's primary goal is to safeguard and preserve certain fundamental societal values and institutions. This dictum establishes a set of standards for human behavior, as well as a set of penalties for those who disregard or risk serious harm to individuals, the public good, or basic societal ideals. When reading the 'Offenses Related to Human Body,' it is clear that the author has a thorough knowledge of the social culture of traditional Indian society[1].

To begin with, it is reasonable to assume that the two offenses of Culpable Homicide and Murder are not mutually exhaustive nor exclusive, nor do they require that every case of killing be one of the two. Murder is defined as an aggravated form of culpable homicide under Section 299 of the Indian Penal Code, 1860. According to this viewpoint, all murder must be responsible homicide, but not the other way around. However, an offense might include all of the components of murder but only be culpable homicide if it also has the extra mitigating characteristics listed in the exceptions[2].

In certain situations, the severity of the crime fluctuates due to factors that reduce the core heinousness of the crime. Apart from that, an offense may nevertheless be considered culpable homicide in the first instance if it lacks the characteristics of murder. Though the two classes of offenses appear to be distinct when viewed with the naked eye, they are inextricably connected, making it difficult to assess the degree of severity of the crime and to impose an appropriate punishment in many situations[3].

It is easy to see that the most common reason for reversing a murder conviction is because the judge of the upper court realizes after a thorough examination of the evidence and circumstances of the case that the case falls under the category of culpable homicide rather than murder, and as a result, the sentence is changed from murder to culpable homicide [4]–[7].

The goal of this article is to learn about the legislation surrounding the crimes of "murder" and "culpable homicide," as well as the circumstances that lead to the judiciary's lack of clarity, resulting in reversal of judgment. The paper is divided into four sections for this purpose. The first section will cover the legislation in India relating to murder and culpable homicide, as well as the notions of knowledge and intent and how they are used to these two types of crimes.

The second chapter will look at India's sentencing policy for culpable homicide and murder, as well as the circumstances and elements that the judge considers when deciding on a penalty for culpable homicide and murder. The recent judgments of the Supreme Court of India and various High Courts in the last two years will be analysed and presented in the form of data in the third section to procure the reason for the reversal of judgment and the shaky stand of the Indian Judiciary in cases related to Murder and Culpable Homicide[2].

2. DISCUSSION

2.1 *The Difference between Intention and Knowledge:*

The contrast between knowledge and purpose must be kept in mind. In the context of Section 299, "knowledge" refers to "awareness," "realization," or "understanding." Again, the difference between the terms 'knowing' and 'intention' is a matter of degrees. The fact situation in each case must be considered when drawing an inference of knowing that it is likely to cause death. The accused must understand the implications of his actions.

In the case of Kesar Singh vs. State of Haryana, it was determined that knowledge refers to a state of conscious awareness of certain facts in which the human mind may remain supine or inactive, whereas intention refers to a conscious state in which mental faculties are roused into activity and summed up into action for the purpose of being directed towards a specific and specific goal.

To intend is to have in mind a set goal to achieve a desired target, as defined by Kenny. The noun 'intention' is used to indicate the state of mind of a man who not only foresees but also wishes the probable repercussions of his action in the present context. As a result, there can be no intention without foresight, because a man must determine to his own satisfaction, and therefore must anticipate, what his specific goal is oriented to. Whereas, according to Russell on Crime, The term 'intention' is used in this examination of the mental element in crime to describe the mental attitude of a man who has determined to achieve a certain goal if at all possible. He modifies his behavior in order to attain a specific goal.

As may be seen, 'knowledge,' as opposed to 'intention,' denotes a mental realization with the bare state of cognitive awareness of certain facts in which the human mind is supine or inert.

"We may remark at this state that 'intention' is different from 'motive,' 'ignorance,' or 'negligence,' as stated in *Jai Prakash v. State (Delhi Administration)*." When determining whether an act is culpable homicide or murder, it is the 'knowing' or 'intention' with which the conduct is carried out that matters. As a result, it is important to understand the meanings of the terms employed in these regulations.

The accused's 'intention' and 'knowledge' are subjective and invisible states of mind, and their presence must be inferred from the circumstances, such as the weapon used, the intensity of the assault, the number of injuries sustained, and all other factors. The phrases 'intention' and 'knowledge' were purposefully employed by the code's architects, and it is widely acknowledged that knowing the potential consequences of an action is not the same as intending for those consequences to occur. To begin with, when a person does an act, it is assumed that he was aware that certain defined negative effects would or may occur. That awareness, however, is not the same as the purpose that such outcomes should occur. In comparison to 'knowledge,' 'intention' involves more than simply anticipating the effects, specifically the deliberate doing of something to attain a specific goal[8].

2.2 *Murder and Culpable Homicide Sentences:*

All culpable homicide is murder, but not all culpable homicide is murder. The code recognizes three degrees of culpable homicide in order to determine a penalty that is commensurate to the seriousness of this general act.

2.3 *Culpable Homicide on a Scale of One to Ten:*

Culpable homicide in the first degree, sometimes known as "murder," is the most serious type of culpable homicide. It is defined under section 300 and is punished under section 302 by death or life imprisonment, with a fine applied to either.

As defined in section 300, culpable homicide of the second degree is culpable homicide that does not amount to murder. Exceptions 1 to 5 and Section 299, clauses I and (ii) are punished under Section 304 (First Part) by life imprisonment or a period of imprisonment of either kind up to 10 years, with a fine attached to either.

Culpable third-degree homicide is defined in section 299, clause (iii), and is punished under the latter part of section 304 with a fine alone, or imprisonment up to 10 years, or both.

After noticing the contrast between "murder" and "culpable homicide not amounting to murder," it is now necessary to explain the difference between the application of Section 302 of the Code and Section 304 of the Code.

In *Ajit Singh v. State of Punjab*, the Court held that in determining whether an offence falls under Section 302 or Section 304 Part I of the Code, courts must be extremely cautious in determining whether the offence falls under Section 300 of the Code, which determines whether a culpable homicide is murder, or whether it falls under one of its five exceptions. In other words, Section 300 defines both what is and is not murder. The first is mentioned in Section 300's four categories, while the second is mentioned in depth in Section 300's five exclusions. In Section 300 of the Code, the legislature, in its wisdom, addressed the whole spectrum of culpable homicide that "amounts to murder" as well as that "amounting to murder" in a composite way. The penal provisions of the Code are found in Sections 302 and 304. They specify the penalties that would be imposed if a person were to commit one of the offenses.

An examination of these two sections is required, taking into account what is similar to all of the offenses and what is unique to each of them. As a result, culpable homicide is a crime that may or may not constitute murder. If it is murder, it is culpable homicide amounting to murder, for which Section 302 of the Code provides a penalty. This Section deals with instances that aren't covered by the previous section, and it separates the offense into two categories: (a) those in which the death is caused purposefully, and (b) those in which the death is caused inadvertently but knowingly. In the first scenario, the penalty of imprisonment is mandatory, and the highest sentence that may be imposed is life imprisonment. In the latter scenario, incarceration is merely an option, and the maximum penalty is only ten years in prison. The first clause of this section applies only to cases where the crime is truly "murder," but is mitigated by the presence of circumstances recognized in the exceptions to Section 300 of the Code, while the second clause applies only to cases where the accused has no intention of injuring anyone in particular[5].

Thus, where the act is done with the clear intent to kill the other person, it is a murder under Section 300 of the Code and punishable under Section 302 of the Code; however, where the act is done on grave and sudden provocation that is not sought or voluntarily provoked by the offender himself, the offence falls under the exceptions to Section 300 of the Code and is punishable under Section 302 of the Code. Another useful technique for identifying such issues is the degree of violence or cruelty used in the commission of the crime.

The contrast between the provisions of Section 304 Part I and Part II of the Code is an essential consequence to this debate. The wording of Section 304 clearly distinguishes the two parts in terms of linguistic difference. There appear to be two distinctions: one in terms of punishment, and the other in terms of purpose to cause the act, or without intent but with knowledge that the conduct is likely to result in death. It is neither advisable nor practicable to declare a one-size-fits-all formula for such a determination that would be universally applicable to all instances. In the end, each case must be determined on its own merits. The Court must undertake the difficult task of applying the Code's provisions to the circumstances of the case with a clear delineation as to which category of cases the case fits into and punishing the accused appropriately[9].

The issue is whether the appellant was guilty under Part I or Part II of Section 304. Under Part I, the accused is guilty if he does an act that causes death, either with the goal of causing death or with the intention of inflicting physical damage that was likely to cause death, while exceeding his right of private defense. If, however, he is found guilty of murder within the meaning of clause (4) before the application of any of the Exceptions to Section 300, there is no question of such intention, and only the knowledge that he did engage in an act with the knowledge that it was likely to cause death but without any intention to cause it or without any intention to cause death is to be fastened on him. There appears to be no way out of the conclusion that the appellant could only be convicted under Part II of Section 304, not Part I.

As previously stated, categorizing an offense within either Part of Section 304 is mainly a question of fact. This would have to be determined based on the type of the crime, the offender's purpose, the weapon used, the location and nature of the injuries, the presence of a premeditated mind, the individuals involved in the crime, and, to some extent, the reason for the crime. The evidence presented by the parties in light of all of these factors considerably assists the court in determining which criminal article of the Code the accused is liable to be punished under. This can also be decided from a different perspective, for as by using the 'principle of exclusion.' This approach might be used in conjunction with a two-stage decision procedure.

To begin, the Court may make a preliminary determination if the accused committed an offense punishable under Section 302 of the Code's substantive provisions, namely, "culpable homicide amounting to murder." Second, it may look into whether the matter falls under one of the exceptions listed in Section 300 of the Code. This would double-check that the court's decision is both factually true and legally sound. We make this claim to demonstrate that such a decision would better serve the goals of criminal justice delivery. This

is especially true because the presumption of innocence and the right to a fair trial are central to our criminal law and are widely recognized as rights of the accused[10].

3. CONCLUSION

Criminal law's primary goal is to safeguard and preserve certain fundamental societal values and institutions. This dictum establishes a set of standards for human behavior, as well as a set of penalties for those who disregard or risk serious harm to individuals, the public good, or basic societal ideals. When reading the 'Offenses Related to Human Body,' it is clear that the author has a thorough knowledge of the social culture of traditional Indian society. Each and every law relating to violations against the human body is clearly worded, and the penalties imposed are suitable. I grasp the elements and the profound meaning of these two laws after dealing with the two points, culpable homicide and murder, in full. The most significant section of the Indian Penal Code deals with offenses involving the human body. All that is necessary is for a good society to be established, for people to comprehend the rules and regulations, and for crimes to be punished according to the Indian Penal Code.

There is no significant distinction between culpable homicide and murder. Both offenses include the intentional infliction of death. In each case, the act that caused it was committed by the criminal. In both situations, there must be a criminal purpose or knowledge. The actual distinction is in the degree to which the one situation has a stronger intention or awareness of the deadly outcome than the other. The four sections defining the crime under this section try to emphasize this distinction. However, no abstract articulation of the distinction can serve as a foolproof guide to establishing the real nature of the crime. Nonetheless, it is critical to determine how far the code considers the two offenses to be distinct and what the basis is for doing so.

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