

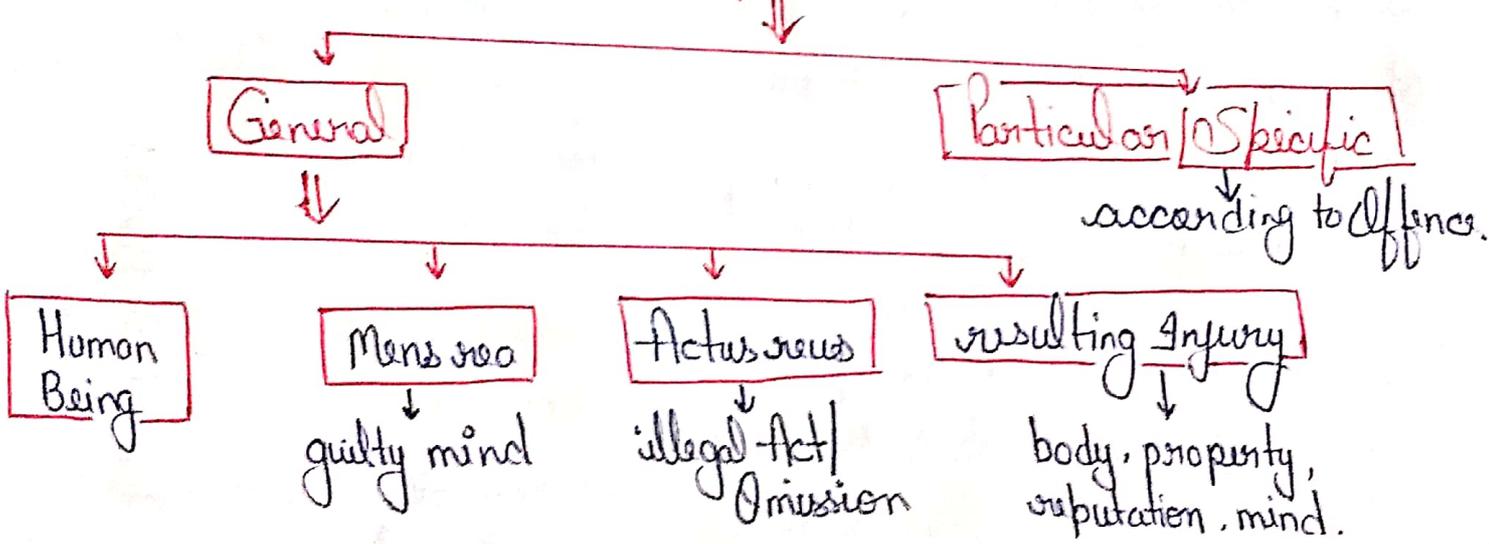
# The Bharatiya Nyaya Sanhita, 2023

## Offence

- Blackstone; [act committed or omitted in violation of public law  
violation of public rights & duties.]
- Stephen; [Crime is an act forbidden by law  
moral sentiments of society  
evil tendency of such violation]
- Woolfenden Committee - 1958 - function approach of criminal law

Target for IO  
750010314

## Elements of Crime



## Mens Rea

- mere mens rea is not punishable.

☞ actus non facit reum, nisi mens sit rea

Can act is not an offence without guilty intention.

- Fowler vs Poldget, 1798 - Lord Kenyon reaffirm the maxim to be principle of Natural Justice.
- R vs Allday, 1837 - Lord Abinger - no man is guilty unless his mind is guilty.

⇒ R vs Bruno - distinction between malum in se & malum prohibitum.

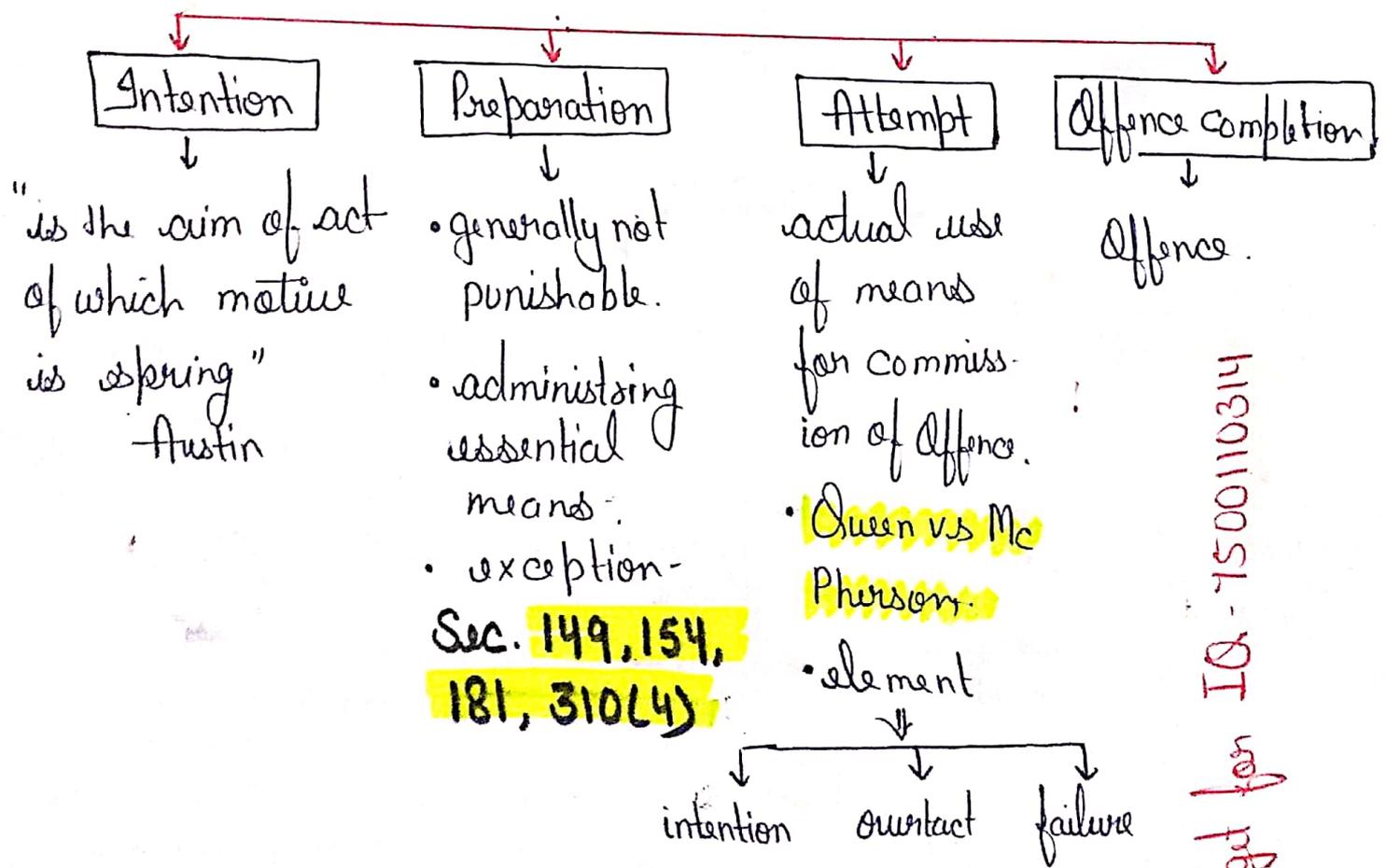
• Shiraz vs de Rutzen - mens rea - to be implied unless contrary.

◦ Exception - Kidnapping, Bigamy etc

⇒ Vicarious Liability under Indian Law - 193(1), 193(2)

⇒ inchoate offence - undeveloped offences.

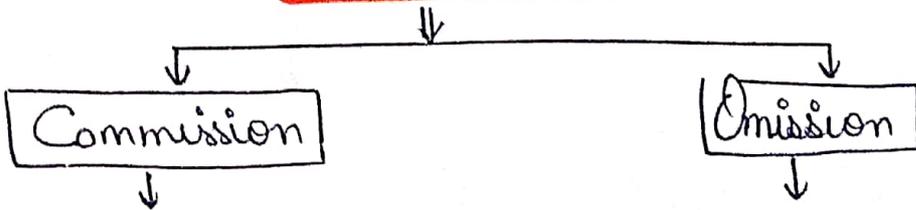
⇒ Stages of Crime -



◦ Theories of Attempt -

- Proximity Theory
- Theory of impossibility
- Object Theory
- Job Theory
- Doctrine of Penitence
- Penultimate Act

# Actus Reus



to do something  
 (criminal act that is a result of voluntarily body movement.)

not to do something  
 (an act of criminal negligence)  
 Target for IO - 7500110314

- Act no. - 45
- Assent - 25th December 2023.
- totals - 20 Chapters & 358 Sections.
- List - Concurrent list, Entry I
- enforced - 1st July 2024
- An Act to Consolidate & Amend provisions of offence & matters connected or incidental thereto.

## Sec 1: <sup>①</sup> Short title, <sup>②</sup> commencement, & <sup>③</sup> application

<sup>1(1)</sup> The Bharatiya Nyaya Sanhita, 2023. <sup>1(2)</sup> 1st July 2024

### Punishment for Offence

<sup>1(3)</sup> → **Every person** - for every act/omission - within India.  
 ↳ shall be liable to punishment.

<sup>1(4)</sup> → **Any person** liable - to be tried for offence committed beyond India.  
Same Manner as in India

# Application

↓  
1(5)  
↓

extension of Code to extra-territorial offences

↓  
1(6)  
↓

Certain laws not affected by BNS

Any offence committed by -

- 1] Any citizen of India in any place without & beyond India.
- 2] Any person on any ship / aircraft regd. in India where - ver it may be.
- 3] Any person in any place with out & beyond India committing offence targetting a computer or source located in India.

- An Act for punishing mutiny and desertion of officers, soldiers, sailors or airmen in service of Govt. of India
- Special Law /
- Local Law.

Target for IO - 7500110314

## Sec 2: Definition,

(1) Act

↓  
series of act as single act.

(2) Animal

↓  
any living creature other than human being.

(3) Child

↓  
Any person below 18 years.

(4) Counterfeit

↓  
A person is said to who causes - one thing resemble - another.  
a) intending by means - to practice deception.  
b) knowing it to be

(5) Court (16)

↓  
A Judge  
Body of Judges.