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Murder (IPC 300)

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ABSTRACT

The Indian Penal Code's Section 300 (3) has always been a particularly intriguing clause. It is also interesting to observe how the logic for using this part in murder cases has evolved. The law was largely clarified on this issue following the Virsa Singh case in 1958, which established a precedent that was ascertain the circumstances surrounding Virsa Singh's case, assess them, and examine the circumstances and method that courts will use to apply the ruling in this case in subsequent judgements. This section has also given consideration to the purpose criterion.

I. INTRODUCTION

Section 300 (3): General Information

According to the clause, culpable homicide is murder if the conduct that results in death is also murder.

is carried out with the aim to cause death or serious bodily harm to another person, and the planned harm would be sufficient to do so in the normal course of nature. It is not essential for the criminal to have meant to cause death in order for a case to fall under Clause (3); instead, the death must result from deliberate physical damage or injuries severe enough to induce death in the regular course of nature.

II. SITUATION BEFORE 1958

Prior to 1958, the situation and judicial attitude regarding the implementation of s. 300(3) were relatively ambiguous. After an exchange of insults in the case of Chamru Budhwa v. State of Madhya Pradesh, the accused struck the dead with a lathi. The injuries inflicted by the second appellant after giving the deceased another strike was fatal, and both courts below determined that the appellant was guilty of the offence under Section 302 IPC. According to the doctor, the brain damage was severe enough to result in death under normal circumstances. According to the Supreme Court, it appears that the crime was done spontaneously during a heated argument. The case falls under exception 4 to that rule since it was motivated by emotion during a sudden argument, making the crime committed culpable homicide rather than murder. William was on

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intimate terms with the deceased's sister in another case, Willie (William) Slaney vs. The State of Madhya Pradesh. The brother did not appreciate their closeness. There was a contentious discussion in the evening of the preceding day. His skull was shattered as a consequence of one strike from the accused with a hockey stick to the head. Ten days later, he passed away in the hospital. According to the doctor, the damage was only likely to result in death. The appellant could scarcely be considered to be innocent, the court determined to have known at the moment he delivered the strike that it was powerful enough to kill someone. Therefore, the offence is covered by section 304 of the IPC, second part. Although it has been said that such information is not required in the instance of Virsa Singh.

The approach taken by the court in the aforementioned cases appears to have put greater emphasis on the type and severity of the harm than on the intention to cause it. When the judge in Slaney's case states that All hits to the head do not inevitably result in death, this is extremely clear. The strategy has been to determine whether or not the component, namely the desire to cause the specific damage is there It is believed that situations like an unexpected argument during a fight or when the deceased steps in to break up a fight would raise questions regarding the element of purpose since it would be difficult to say with certainty that the accused intentionally targeted a specific area of the body.

It may be reasonably said that the courts have historically looked for murderous intent before determining whether an act qualifies as murder if it would be sufficient to result in death under normal circumstances.

III. THE VIRSA SINGH V. STATE OF PUNJAB, AIR 1958 SC 465, LANDMARK DECISION

Facts: One Khem Singh was allegedly murdered by the appellant. Only one wound, caused by a spear stab, was visible on his body. According to the doctor, the damage was sufficient to induce death in the normal course of nature.

Medical Report: The injury was a 2-x transverse puncture hole on the lower half of the left side of the abdomen wall immediately above the inguinal canal, the iliac area. Additionally, three coils of intestine were emerging.

The High Court maintained the appellant's conviction after the trial court found him guilty of violating section 302 of the IPC. On the following grounds, the Supreme Court granted him exceptional leave:

Concerning the High Court's determination of the offence that the petitioner is accused of

committing

Arguments made forward: The prosecution has not established that there was a purpose to produce a physical damage that was adequate to cause death in the regular course of nature, it was argued with much circumlocution, thus the circumstances listed above do not expose an act of murder.

Reasoning and ruling: According to the court, the actual reading of this section implies that it is not enough to demonstrate that the injury discovered is sufficient to cause death in the normal course of nature; it must also be demonstrated that the injury discovered was the same injury that was meant to do harm. It has nothing to do with the issue of purpose and is a matter of inference or deduction from the established facts concerning the nature of the harm as to whether it was adequate to cause death in the regular course of nature.

In order to bring the case under this provision, the prosecution must adhere to and demonstrate four conditions set out by the court:

- i. First, it must prove conclusively that there is a bodily damage;
- ii. Next, the type of harm must be established; these studies are wholly impartial.
- iii. Thirdly, it must be established that the specific bodily damage was intentionally caused, meaning that it was not an accident, an unintended harm, or another type of harm to do harm was planned. The investigation continues once these three components are established to be present and,
- iv. The harm of the kind just described, which consists of the three factors listed above, must be proven to be sufficient to result in death in the regular course of nature. This portion of the investigation is entirely devoid of subjective judgement and inference and has nothing to do with the offender's intent.

Thirdly, the offence is murder under s. 300 after the prosecution has shown these four components (and, of course, the burden is on the prosecution throughout).

Such future cases frequently employ this four-point criteria. Clear rules for the application of this provision were primarily supplied after this judgement. Vivian Bose, J.'s observations have become regarded as *locus classicus*. The criteria set out by was the damage that was meant to be done.

The court further noted that an accused person cannot avoid punishment unless it can be demonstrated or logically inferred that the harm was unintentional or the result of an accident. In *Khuman Singh v. State of Madhya Pradesh (2004)*, a similar argument was made and the

defendant was cleared of the murder accusation. According to the facts, the gathering of locals from several villages was related to a temple's flag ceremony. The drummer was hit by the appellant using Khuman Singh's stick. Parties got into a fight, but the deceased's intervention managed to calm things down. The appellants pursued the complaint party after the wedding was done. The decedent was beaten and was attacked with stones and lathi strikes. He was run over by some of the accused and killed there and then. None of the injuries, according to the medical assessment, were severe enough to result in death under normal conditions of nature. The liver damage from the rib fracture that caused the death really caused a hole to form in the liver. The court came to the following conclusion: The appellants were not ready for the encounter, and what transpired was not premeditated. Stones and lathies were used to cause the wounds. According to the medical report, the ribs had entered the liver, and if the liver had not been destroyed, the patient would not have died. The court did not intend for this harm to occur, and it was at Best unintentional, therefore section 300 (3) is not shown.

The court read the clause 3 of section 300 of IPC disjunctively and separating intention being read as linked to the second part in the following way

The "thirdly" would not be required because the conduct would fall within the first part of the clause, which says: "If the act by which the death is caused is done with the intention of causing death." A desire to kill is present when there is a strong need to injure someone to the extent that doing so would usually lead to death.

Our research shows that the two phrases are separate and independent. First, it states, "If it is done with the intent to cause bodily injury to any person," which is up to the perpetrator. Naturally, the presence of bodily harm must be shown before the type of injury may be determined. These are the only uncompromisingly plain facts. There There doesn't There is no space for speculation or inference, so the investigation is objective in that respect; nonetheless, when it comes to the issue of purpose, it is up to the offender to demonstrate that he intended to inflict the bodily injury that was determined to exist.

Following the demonstration of that, the investigation turns to the claim that "and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death." The first paragraph provides a thorough summary of the section before it.

The crucial point to keep in mind is that the accused just needs to be shown to have intended to harm the victim in a way that would typically result in death from natural causes induce physical harm akin to that which was observed on the deceased's body. The next objective stage in the investigation is to evaluate if the damage was sufficient to result in death under typical

circumstances. As a result, purpose is solely connected to and limited to the actual act of causing physical damage rather than knowledge of or a conscious desire to commit such injury, which would be sufficient to cause death under normal circumstances. The defendant must have meant to cause the same sort of physical harm that was ultimately determined to have been sufficient to result in the dead person's death. Everyone can claim they are If he had never planned, it would have been exceedingly difficult to discredit him to cause such harm." This idea is supported by broad principles of common sense since it would be very difficult to disprove him if his goal was to damage someone severely enough to cause death.

IV. CONCLUSION

This blog discusses Section 300 of the Indian Penal Code, which deals with "Murder". One of the most terrible atrocities is thought to have occurred. To purposefully and legally take another person's life carries a sentence of either death or life in prison plus a fine. The Court respects the dignity of life and only orders an execution when a person poses a substantial threat to society. The penalty may be reduced by the court. One of the worst crimes is the murder of another person following treason and sedition, crimes.

V. REFERENCE

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