



LAW OF CRIMES I

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HOW TO START OUR JOURNEY!

[HTTPS://YOUTU.BE/SQD2H0_-CE8](https://youtu.be/SQD2H0_-CE8)

- THE OBJECTIVES OF THIS STUDY ARE TO:-
 - FAMILIARIZE THE STUDENTS WITH THE KEY PRINCIPLES OF CRIMINAL LIABILITY AS INCORPORATED IN THE PENAL CODE..
 - EXPLAIN THE RELATIONSHIP BETWEEN SUBSTANTIAL CRIMINAL LAW AND CRIMINAL PROCEDURE.
 - INTRODUCE THE BASIC RIGHTS AND PROCEDURAL SAFEGUARDS AS CONTAINED IN THE PENAL CODE & THE CODE OF CRIMINAL PROCEDURE ON COMMISSION OF A CRIME.

“There is no greater tyranny than that which is perpetrated under the shield of the law and in the name of justice.”
— Charles-Louis de Secondat, baron de la Brède et de Montesquieu,

[The Spirit of the Laws](#)



Make a Plan to reach



LEARN

SHARE

CARE



General Instruction & Agenda

Mission Statement/Goals that we are going to adopt

Who's Who

Classroom Policies general guidelines

Special Projects based on BLC platform,

Grading policies

Students activities and discussion forum in BLC

Summary

1. Lectures.
2. Flip Classes.
3. Practice-oriented learning.
4. Small Group Teaching.
5. Practical/ Case works.
6. Role playing.
7. Special Projects.
8. Google+
9. Microsoft Team meet
10. Zoom &
11. google meet.

1. Feel free to ask any question in the live class, in forum tools of BLC to make your conception clear,
2. Don't miss any class and try to follow the instructions I give in the class and BLC as well,
3. Try to submit all your work in time,
4. Try to avoid stress, talk to me if you have any sorts of problem towards submission/ default.
5. Try to be honest, truthful and punctual in all your activities
6. Maintain decency in all Facebook, messenger, BLC, Google classroom, and other relevant activities.

We must used to be keep it in our mind..



Books Recommended

- L. Kabir: Penal Code.
- Stephen: Commentaries on the Law of Indian Penal Code, 1960.
- Ratanlal & Dhirajlal Thakore: Indian Penal Code.
- Fitzgerald: Principles of Criminal Law.
- Glanville Williams: Criminal Law.
- Rattan Lal and Dhiraj Lal, Lexis Nexis ButterworthsWadhwa, 32nd Ed., 2013
- The Indian Penal Code, 1860

Syllabus Contents

- Historical Development of the Penal Code 1860
- **Introduction to Law of Crime:**
- **Crime and Civil Injuries,**
- **Constituents of Crime,**
- **Actus Reus, Mens rea,**
- **Concurrence between Actus Reus and Mens rea,;**
- **Exceptions to Mens Rea**
- **Element Crime**
- **Types of Crime**

Continuing Contents

- **General Principles of criminal liability:**
- **Principle of Legality,**
- **Corporate liability,**
- **Vicarious liability especially referring to Sec. 34, 114, 149 of Penal Code, Strict liability;**

Continuing..

- **General exceptions:**
- **Judicial Acts, Mistake of Fact,**
- **Defense of Accident,**
- **Defense of Necessity,**
- **Defense of Minority,**
- **Defense of Insanity,**
- **Defense of Intoxication,**
- **Consent;**

Continuing the contents ...

- **Punishment:**
- **Its Objects and Limits.**
- **Some Crimes and False Evidence:**
- **Abetment,**
- **Criminal Conspiracy,**
- **Giving False Evidence,**
- **Fabricating False Evidence,**
- **The most important offenses Against the State and other Public Interests:**
- **Offences against State,**
- **Unlawful Assembly and Offences Relating to it, Rioting, Affray;**

RECAP...

- Discuss topics that will be covered
 1. General Instruction
 2. Brief Ideas on our course of Law of Crimes I

Next class is with the followings ...

1. Historical Development of Criminal Justice in Bangladesh
2. Historical Development of the Law of Crimes (Substantive) in BD
3. Structural Designs of the Penal Code of 1860

Brief Ideas on Law of Crimes I

- This course covered all forms of substantive crimes, its nature, and punishments applicable in Bangladesh.
- This is called the core penal law on crime and criminal responsibility.
- Please see the titles/topics in the lecture delivery plan.

Definition of Crime

Many prominent jurists have made attempts to define Crime.

1. Sir William Blackstone

In his 'Commentaries on Law of England', Sir William Blackstone defined Crime as "an act committed or omitted in violation of Public Law forbidding or commanding it".

2. Sir James Stephen

"Crime is an act forbidden by law and revolting to the moral sentiments of the society".

3. Paul W. Tappen

"An intentional act or omission in violation of criminal law, committed, without defense or justification and sanctioned by law as felony or misdemeanor."



The most important thing common in all these definition is that they contain certain basic elements.

The following are four basic elements of crime:

- 1. Accused person**
- 2. Mens rea**
- 3. Actus reus**
- 4. Injury**

Historical Development of Criminal Justice System in BD, PAK , and India.

Pre and ancient Monarchical Regime Muslim regime

So called modernization of Legal system by the British rullers

- **The Charter I of 1668 and the Court of Judicature**
- **The Charter II of 1683 granted for the Court of Judicature**
- **The Court of Directorors**
- **1765 the third era of Lord Clive**
- **1772 Contributions of Warren Hastings**
- **The role of Regulating act 1773**
- **The amending act of 1781**
- **1793 the role of Lord Cornwallis**
- **Regulations no 675, 250 and 259 and the procedure of Court system in Bengal, Madras and Bombay**

Continuing the contents...

The First Indian Law Commission Brief History of the Penal Code 1860 .

Objective of the Penal Code 1860 Structure of the Penal Code 1860



The Penal Code, 1860

1. Law of Crimes is a comprehensive discussions on the substantive criminal laws of Bangladesh
2. The Penal Code was the most ancient & mentionable law of this subcontinent and thought to be a contribution of the British colonial legacy
3. It is a set of laws roots from British penal laws
4. It is the most vibrant examples of the substantive law of the land and still now effective in BD
5. The Code is drafted in 1860 as ACT of XLV of 1860

Criminal Laws/ Penal laws.....

The English word ‘penal’ is derived from Latin word ‘*poenalis*’ means ‘punishment’ and the English word ‘law’ is derived from Middle English word ‘*lawe*’ means ‘rule.’

Penal laws prohibit certain kinds of conduct, making particular acts or omissions unlawful and imposing sanctions.

In general, the prohibitions contained in criminal offences are concerned with protecting the public at large and the ‘societal values’ of society.

The Penal Laws that are now enforceable in Bangladesh include The Penal Code 1860, The Cattle Trespass Act 1871, The Arms Act 1878, The Explosive Substances Act 1908, The Prevention of Corruption Act 1947, The Anti-Corruption Act 1957, The Special Powers Act 1974, The Dowry Prohibition Act 1980, The Narcotics (Control) Act 1990, and The Nari O Shishu Nirjatan (Bishesh Bidhan) Ain 2000.....

***In the case of Abdul Haque vs State 1994 BLD 204* – It lays down that the Penal Code extends only to offences committed in Bangladesh and not to offences committed outside Bangladesh.**

Applicability of Penal Code:

The Penal Code will apply wherever its application is not, expressly or by necessary implication, excluded and where the requirements prescribed by the Code for the offence charge are satisfied. *AIR 1950 Mad 599; 51 CriLJ 1518*

Legal History of Bangladesh: Criminal Law

The Indian subcontinent, comprising of Bangladesh, India and Pakistan, has a long history of the use of capital punishment. A stay in this form of punishment came at the time of Emperor Ashoka, who preached peace, Buddhism and non-violence during the 2nd century BC.

15TH century BC the states that made up India were wrought with warfare and intrigue and capital punishment was extremely common.

For more information see Johnson, David T. and Zimrig, Franklin. *The Next Frontier: National Development, Political Change and the Death Penalty in Asia*. Oxford University Press 2009.

During the Moghul era in the early 16TH century, capital punishment was retained as the highest form of punishment and connected with class and caste. A Chinese visitor to India in the 5th century BC observed that a Sudrawho insulted a Bhramin faced death whereas a Bhramin who killed a Sudra was given a light penalty, such as a fine – the same penalty he might have incurred if he had killed a dog.

The present legal and judicial system of Bangladesh owes its origin mainly to two hundred years British rule in the Indian sub-continent although some elements of it are remnants of Pre-British period tracing back to more than 500 years of Hindu and Muslim administration. The legal system of the present day emanates from a mixed system which has structure, legal principles and concepts modeled on both Indo-Mughal and English law.

The Muslim period Starts with the invasion of the Muslim rulers in the Indian sub-continent in 1100 A.D. The Hindu Kingdoms began to disintegrate gradually with the invasion of Muslim rulers at the end of eleventh and at the beginning of twelfth century. When the Muslims conquered all the states, they brought with them the theory based on the Holy Quran. According to the Holy Quran, sovereignty lies in the hand of Almighty Allah..

The so-called 'modernisation' of the legal system began with the British and their Royal Charters. The East India Company gained control and was ultimately powerful enough to take part in the administration of justice with the local authorities. The Charter of 1726, issued by King George I, gave Letters Patent to the East India Company and was the gateway through which other legal and judicial systems entered India from England.

In 1753, another Charter was issued by King George II to remove the defects of the previous Charter. In 1773, the House of Commons passed the Regulation Act to improve the judicial system and under it, the King issued another Charter in 1774 establishing the Supreme Court of Judicature at Calcutta (now Kolkata).

On 15 August 1772, Lord Hastings drew up a collection of laws that became the first British Indian law code in Bengal, Bihar and Orissa. The code contained 37 sections addressing both civil and criminal law and a new system of courts took over from the slowly defunct Moghul ones. The new court system provided for separate civil (dewani) and criminal (fowjdari) courts. In 1801, another Supreme Court was established in Madras and one in Bombay in 1824.

In 1853, the Law Commission was established in India and the British Crown replaced the East India Company in 1859.

The Penal Code was enacted in 1860, followed by the Criminal Procedure Code 1898, following the efforts of Lord Macaulay, an English lawyer, in bringing together the 'native' and British systems into a single criminal law. With them, laws such as the Code of Civil Procedure 1908 and The Evidence Act 1872, were also enacted.

The first Law commissions was established in 1837 in India and was led by Thomas Babington Macaulay.

The second Commission was established in England in 1853.

One of the controversial issues during the period was the separate dispensation provided to European subjects in India and the Indians.

the jurisdiction of separate sets of courts and laws.

Equality of protection under the same law and a common judicature based on the principle of rule of law became issues of paramount importance.

Macaulay intervened. He defined the principle as uniformity where it was possible to achieve and diversity where necessary. This was the guiding principle which initiated the process leading to the abolition of the dual system of judicial administration and the establishment of a secular legal system.

The process culminated, after much debate, changes and discussion, in the enactment of the Indian Penal Code (Act XLV of 1860) and the Criminal Procedure Code (Act XXV of 1898).

These two Codes laid the foundation of criminal law in British India. After 1947 (the partition of India and Pakistan), the title of the Indian Penal Code was changed to that of the Pakistan Penal Code.

Similarly, after 1971 (the independence of Bangladesh from Pakistan), the Pakistan Penal Code came to be known simply as the 'Penal Code' in independent Bangladesh.

Except for the changes in title the Penal Code more or less remained an immutable document with only minor modifications. The same can be said of the Code of Criminal Procedure 1898.

THE PENAL CODE, 1860 (*Sections 1 to 511*)

Chapter	Sections Covered	Classification of Offences
Chapter I	Sections 1 to 5	Introduction
Chapter II	Sections 6 to 52	General Explanations
Chapter III	Sections 53 to 75	of Punishments
Chapter IV	Sections 76 to 106	General Exceptions <i>of the Right of Private Defence</i> (Sections 96 to 106)
Chapter V	Sections 107 to 120	Of Abetment
Chapter VA	Sections 120A to 120B	Criminal Conspiracy <i>Added in 1913</i>

Chapter VI	Sections 121 to 130	Of Offences against the State
Chapter VII	Sections 131 to 140	Of Offences relating to the Army, Navy and Air Force Navy and Air Force: Added in 1927
Chapter VIII	Sections 141 to 160	Of Offences against the Public Tranquillity
Chapter IX	Sections 161 to 171	Of Offences by or relating to <u>Public Servants</u>

Chapter X	Sections 172 to 190	Of Contempts of Lawful Authority of Public Servants
Chapter XI	Sections 191 to 229	Of False Evidence and Offences against Public Justice
Chapter XII	Sections 230 to 263	Of Offences relating to coin and Government Stamps
Chapter XIII	Sections 264 to 267	Of Offences relating to Weight and Measures
Chapter XIV	Sections 268 to 294	Of Offences affecting the Public Health, Safety, Convenience, Decency and Morals
Chapter XV	Sections 295 to 298	Of Offences relating to Religion

		<p>Of Offences affecting the Human Body</p> <p>Of Offences Affecting Life including murder, culpable homicide (Sections 299 to 311)</p> <p>Of the Causing of Miscarriage, of Injuries to Unborn Children, of the Exposure of Infants, and of the Concealment of Births (Sections 312 to 318)</p>
Chapter XVI	Sections 299 to 377	<p>Of Hurt (Sections 319 to 338)</p> <p>Of Wrongful Restraint and Wrongful Confinement (Sections 339 to 348)</p> <p>Of Criminal Force and Assault (Sections 349 to 358)</p> <p>Of Kidnapping, Abduction, Slavery and Forced Labour (Sections 359 to 374)</p> <p>Sexual Offences including rape(Sections 375 to 376)</p> <p>Of Unnatural Offences (Section 377)</p>

Chapter XVII

Sections 378 to 462

Of Offences Against [Property](#)

Of [Theft](#) (Sections 378 to 382)

Of [Extortion](#) (Sections 383 to 389)

Of [Robbery](#) and Dacoity (Sections 390 to 402)

Of Criminal Misappropriation of Property (Sections 403 to 404)

Of Criminal [Breach of Trust](#) (Sections 405 to 409)

Of the Receiving of Stolen Property (Sections 410 to 414)

Of [Cheating](#) (Section 415 to 420)

Of Fraudulent Deeds and Disposition of Property (Sections 421 to 424)

Of Mischief (Sections 425 to 440)

Of Criminal [Trespass](#) (Sections 441 to 462)

Chapter XVIII	Sections 463 to 489	Of Offences relating to Documents and Property Marks Of Property and Other Marks (Sections 478 to 489) Of Currency Notes and Bank Notes (Sections 489A to 489E) <i>Added in 1958</i>
Chapter XIX	Sections 490 to 492	Of the Criminal Breach of Contracts of Service
Chapter XX	Sections 493 to 498	Of Offences Relating to Marriage
Chapter XXI	Sections 499 to 502	Of Defamation
Chapter XXII	Sections 503 to 510	Of Criminal intimidation , Insult and Annoyance
Chapter XXIII	Section 511	Of Attempts to Commit Offences



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THANK YOU