



LAW OF CRIMES: I LAW 313

Lesson 02 Lecture 02@ Facilitating by S. M. Saiful Haque

Course Outline

Lesson 1.

Historical Development of
Criminal Laws in BD

Lesson 2.

Legal terms , meaning and
definition under the Penal Code
1860

Lesson 3.

Punishments and rationale and
Objectives

Lesson 4.

General Exceptions and Right of
Private Defenses

Lesson 5.

Abetment and Criminal
Conspiracy

Lesson 6.

Offences Against the Sate

Lesson 8.

Offences Relating to Public
Servant

Lesson7.

Offences Relating to Public
Tranquilities and Justice

Mid term Examination.....

Important Terms and Meanings ...

Crime

Murder, Culpable Homicide
Theft, Dacoity
Defamation , Criminal Force

Mens Rea

actus non facit reum,
nisi mens sit rea,

Intention

It is the foreknowledge of
the act, coupled with the
desire of it

Motive

Ulterior intent is called the
motive of the act.

Mistake of Law

“Ignorantia juris neminem
excusat.”

Mistake of Facts

An instance of it is to be found in
the liability

Crime.

The word 'crime' has not been defined in the Penal Code. In its broad sense, however, it may be explained as an act of commission or omission which is harmful to the society in general.

Lesson 1.

Crime and Society

Lesson 2.

Crime and Sin

Lesson 3.

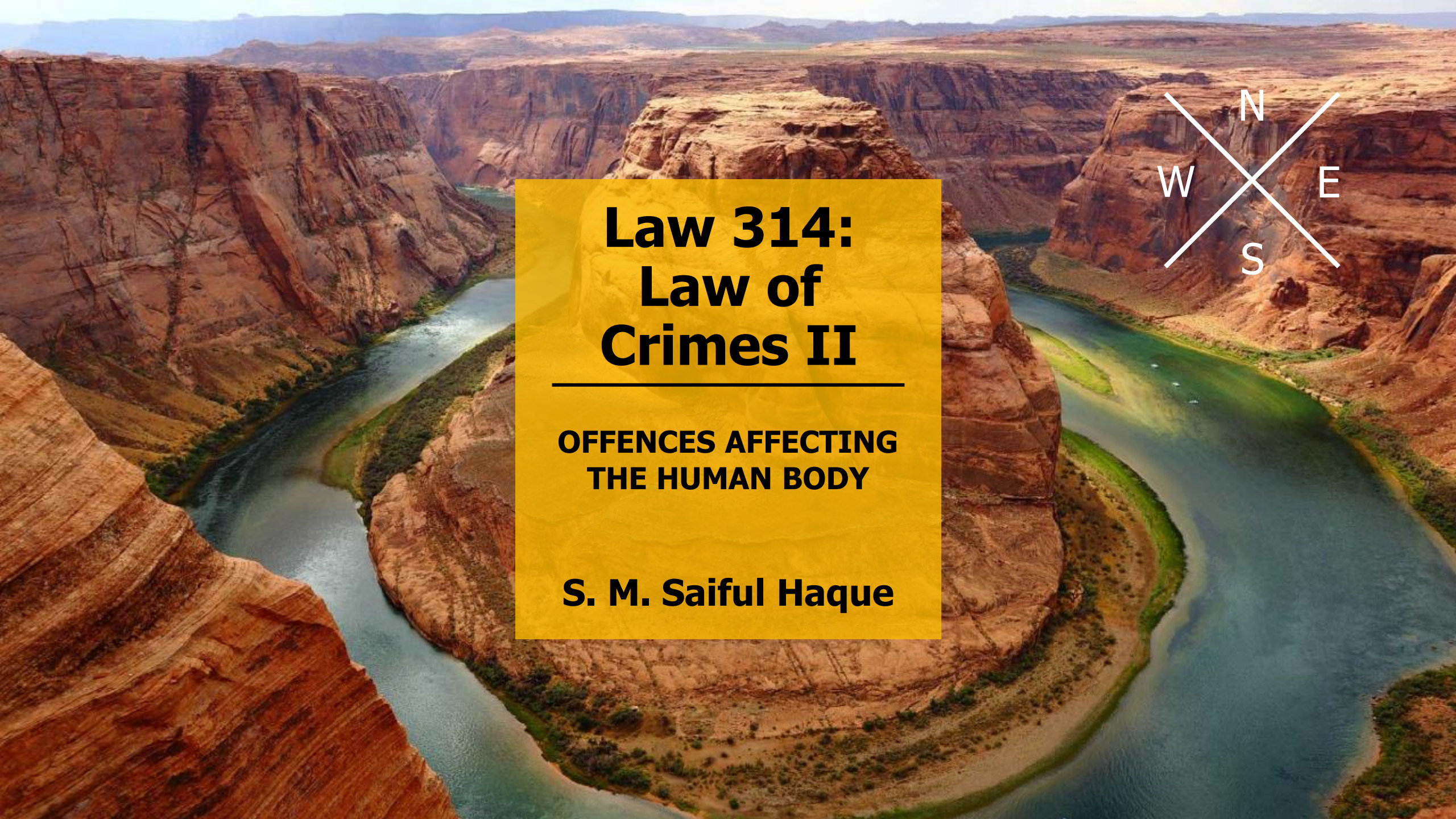
Types of Crime

Lesson 4.

Nature of Crime

Lesson 5.

Crime and Criminal
Administration of
Justice for Peace



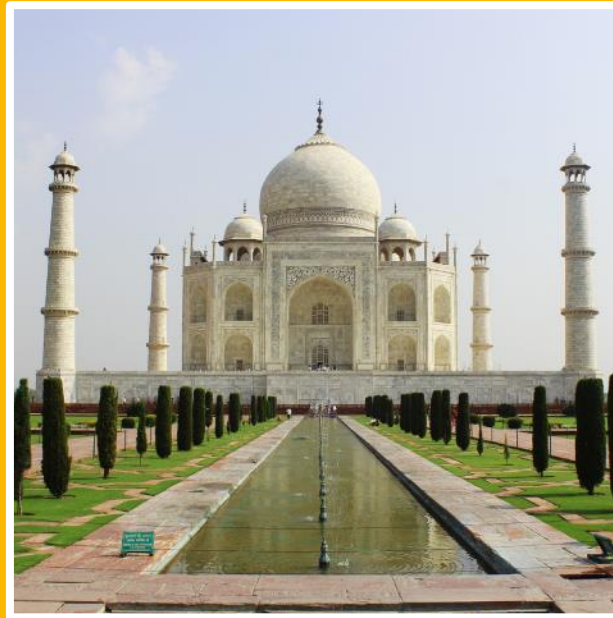
Law 314: Law of Crimes II

**OFFENCES AFFECTING
THE HUMAN BODY**

S. M. Saiful Haque

Homicide, Culpable Homicide and Murder

Differentiate in among the concepts and meanings



Mens rea.

It is one of the cardinal principles of the English Criminal Law that to constitute guilt there must be a guilty intent behind the act itself and that a crime is not committed if the mind of the person doing the act is innocent.

The principle is based on the maxim *actus non facit reum, nisi mens sit rea*, i.e. the act itself does not constitute guilt unless done with a guilty intent. Thus mens rea in the case of murder means malice aforethought; in the case of theft an intention to steal and in the case of receiving stolen goods knowledge that the goods were stolen.

It was held in the case of *Sherras vs. Do Rutzen* that mens rea is an essential ingredient in every offence except in three cases:

- (1) cases not criminal in any real sense but which in the public interest are prohibited under a penalty, e.g. Revenue Acts;
- (2) public nuisance; and
- (3) cases criminal in form but which are really only a summary mode of enforcing a civil right.

The maxim has not so wide an application to the offences under the Penal Code; because the definition of the various offences contain expressly a statement as to the state of mind which constitutes the mental element of a particular offence.

Intention.

Salmond defined intention as the purpose or design with which an act is done. It is the foreknowledge of the act, coupled with the desire of it, such foreknowledge and desire being the cause of the act, inasmuch as they fulfil themselves through the operation of the will. An act is intentional if it exists in idea before it exists in fact, the idea realizing itself in the fact because of the desire by which it is accompanied.

Intention does not necessarily involve expectation. I may intend a result which I well know to be extremely improbable. So an act may be intentional with respect to a particular circumstance, although the chance of the existence of that circumstance is known to be exceedingly small.



- **Motive.**

Intention and motive invariable go together. An intention is the immediate desire and foreknowledge behind an act. Such a desire might be a means for another desire. Such ulterior intent is called the motive of the act.

For example, the immediate intent of the thief is to appropriate another's money, while his ulterior intent or motive may be to buy food with it or to pay a debt. Every wrongful act may raise two distinct questions with respect to the intent of the doer. Firstly, whether the act is done intentionally or accidentally. Secondly, if the act is done intentionally, why it is done. The first question refers to the immediate intention of the man and the second question refers to the ulterior intent or motive of the man.

Relevancy of Motive and Intention



Mistake of Fact.

In English law mistake of fact affords an exemption from liability only in the sphere of the Criminal law, while in the Civil law liability is commonly absolute.

So far as civil liability is concerned, it is the general principle of law that he who intentionally interferes with the person, property, reputation, or other rightful interests of another does so at his peril, and will not be heard to allege that he believed in good faith and on reasonable grounds in the existence of some circumstance which justified his act In Criminal law the matter is otherwise. Absolute criminal liability for a mistake of fact is quite exceptional. An instance of it is to be found in the liability of a person who abducts a girl under the legal age of consent.



Mistake of Law.

□ Ignorance of law is no excuse. This proposition is based on the maxim “Ignorantia juris neminem excusat.”

When a person has committed a wrong he will not be allowed to say that but for his ignorance of the law he would not have committed it.

The reasons for this rule, according to Salmond, are three in number” In the first place, the law is in legal theory definite and knowable. It is the duty of every man to know that part of it which concerns him; therefore innocent and inevitable ignorance of the law is impossible.

Men are conclusively presumed to know the law, and are dealt with as if they did know it, because in general they can and ought to know it. In the second, place, it would be very difficult for a Court of law to decide whether the person is really ignorant or he is making it an excuse and a ground of defence for his guilt.

In the third place, the law is in most instances derived from and in harmony with the rules of natural justice. A person committing a wrong may be ignorant that he is breaking the law, but he knows very well that he is violating a right.



EXCEPTIONS TO MISTAKES OF LAWS

(1) Mistake of law can be pleaded as a defence under section 78 of the Penal Code.

This section provides that nothing which is done in pursuance of, or which is warranted by the judgment or order of, a Court of justice, if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

(2) Under section 379 of Penal Code it was held that a mistake of law may be an excuse if the accused takes another man's property believing under a mistake of fact and ignorance of law, that he has a right to take it.

A scenic view of a Parisian river at sunset. The sky is a mix of orange, pink, and blue. On the left, a row of classic Parisian buildings with balconies lines the riverbank. In the foreground, a stone wall runs along the water's edge, with many people sitting on it. A bridge is visible in the distance. On the right, a large, ornate building with a prominent tower and many windows stands behind some trees. A crowd of people is gathered on a walkway in the lower right foreground.

Thank you for your Patience

Wrap up your understanding
presentation, last thoughts,
contacts for references and move
to BLC for discovering more ..

Lesson Task

We will cover these skills:

- Flipgrid
- Forum
- Lesson Development
- Sharing Session



What we learnt ?



What is our next topic.....



Develop Skills,
do more tasks in BLC





First Lesson Summary

A group of four young adults are gathered around a wooden table, looking at a laptop. A man on the left is pointing at the screen. A woman in the center is smiling. A woman on the right with glasses is also smiling. A woman in the foreground on the right is partially visible, looking towards the laptop. There are coffee cups on the table. The background is a white brick wall and a wooden door.

Flipgrid activities

Forum in BLC



Appear mock Text



THANK YOU!

