

IMPORTANT SOLVED PROBLEMS

1. ACTUS REUS AND MENS REA

PROBLEM No.1

A, a beggar who has been starving for the past one week requests B, a rich man, food to eat. B refuses wantonly. The next day A dies due to hunger. State whether B is liable for any offence.

ANSWER:

B is not liable for any offence. The fundamental principle of penal liability is based on the latin maxim “*Actus non facit reum nisi mens sit rea*”. An act does not become a crime unless done with a guilty mind. The guilty mind and the act must concur to constitute a crime.

Actus reus consists of human action, either positive or negative, circumstances at the time of commission of crime as specified by law and the result of the conduct.

Mens rea consists of the voluntary conduct of the human being, and the result of the conduct must be foreseen.

In the given problem:

1. Though omission of an act is also considered as an act, there should be an obligation or duty on the part of **B** to provide food to **A**, and **B** should have breached the obligation. Here, **B** has no duty to provide food to **A**.
2. **B** has **no guilty mind** to starve **A** and he has not done the act of refusing to give food with an intention to cause death of **A**.
3. A man is liable for such acts, the consequences of which is foreseen by him. Here, **B** has not foreseen the death of **A** and hence he is not liable for the death of **A**.
4. There are subsisting and intervening causes for **A**'s death, i.e., **B** had refused food. **A** had not taken steps to secure food from other sources and hence, **A** died. **B**'s refusal to give food for one day alone cannot be the reason for **A**'s death.

For all the above reasons, **B is not liable** for the death of the beggar **A**.



PROBLEM No. 2

A notices a boy drowning in a stream. In spite of his calls for help, A does not try to save him. Discuss the offence committed by A.

ANSWER:

A has not committed any offence and he is not liable for any punishment.

The reasons are:

1. The fundamental principle of penal liability is based on the latin maxim "***Actus non facit reum nisi mens sit rea***", i.e., an act does not become a crime unless done with a guilty mind.
2. A guilty mind and the act must concur to constitute a crime.
3. In the given problem, A does not have a guilty mind. He has no intention to cause death of the boy who is drowning.
4. He has not also committed any willful act of participation in the circumstances when the boy was drowning.

For the above reasons, **A is not liable for any offence and not punishable.**


**2. JURISDICTION OF THE INDIAN PENAL CODE
(Sec. 1 - 4)**
PROBLEM No. 3

A foreign citizen consumed illicit liquor while on the sea, within four miles off the shore of Madras. Assuming that the State of Tamil Nadu has a law prohibiting the consumption of illicit liquor, discuss whether the foreign citizen could be tried by the Criminal Court at Madras.

ANSWER:

The foreign citizen can be tried by the Criminal Court at Madras. According to the Sec. 2 of the I.P.C., the jurisdiction of the I.P.C. extends to territorial waters of India, upto 7 miles into the sea.

So, in the given case, as the foreign citizen committed an offence triable by the Indian Courts, within the territorial jurisdiction of the Indian Penal Code, he can be tried by the Criminal Court at Madras.

**PROBLEM No. 4**

'M' from Karachi (Pakistan) contacted N at Mumbai by phone and telegram and cheated him. N had a big loss in his business, because of the words of M. Can M be prosecuted in India.