

SRI VENKATESWARA UNIVERSITY, TIRUPATI
3 & 5 YEAR Law DEGREE COURSES
SEMESTER PATTERN WITH CBCS

Law of Crimes-I
(BHARATIYA NYAYA SANHITA, 2023)
(Common to 1.2 paper in 3 year & 5.4 paper in 5 year Law degree courses)
(effective from the batch of students those who are in
1st and 5th semesters in 2024)
SYLLABUS

UNIT1:General

- 1.1 Conception of Crime
- 1.2 State's power to determine acts or omissions as crimes
- 1.3 State's responsibility to detect, control and punish crime
- 1.4 Distinction between crime and other wrongs
- 1.5 Pre-colonial notions of crime as reflected in Hindu, Muslim, Tribal laws
- 1.6 The Colonial reception – Macaulay's draft based essentially on British notions
- 1.7 Historical outline of Criminal Laws
- 1.8 Applicability of Bharatiya Nyaya Sanhita (BNS)
 - 1.8.1 Territorial
 - 1.8.2 Personal
- 1.9 Salient features of the Bharatiya Nyaya Sanhita (BNS)
- 1.10 Comparative study of Indian Penal Code and Bharatiya Nyaya Sanhita (BNS)

UNIT2: Elements of Criminal Liability

- 2.1 Author of Crime – natural person and a fit subject for punishment, companies and corporations
- 2.2 Mens rea - evil intention
- 2.3 Importance of *mens rea*
- 2.4 Recent trends of strict liability without *mens rea* in certain socio-economic offences
- 2.5 An act in furtherance of guilty intent
- 2.6 An omission as specifically included in the Code
- 2.7 Injury to another

Unit 3: Group Liability

- 3.1 Stringent provisions in case of combination of persons attempting to disturb peace
- 3.2 Common Intention
- 3.3 Abetment
 - 3.3.1 Instigation, aiding and conspiracy
 - 3.3.2 Mere act of abetment punishable
 - 3.3.3 Abetment outside India for offence in India
- 3.4 Unlawful Assembly
 - 3.4.1 Basis of Liability
- 3.5 Criminal Conspiracy
- 3.6 Rioting as a specific offence

Unit 4: Stages of Crime

- 4.1 Guilty intention - mere intention not punishable
- 4.2 Preparation
 - 4.2.1 Preparation not punishable
 - 4.2.2 Exception in respect of certain offences of grave nature or of peculiar kind such as possession, counterfeit coins, false weights and measure
- 4.3 Attempt
 - 4.3.1 Attempt when punishable - specific Bhartiya Nyaya Sanhita (BNS) provisions
 - 4.3.2 Tests for determining what constitutes attempt proximity equivoally and social danger
 - 4.3.3 Impossible attempt

Unit 5: Factors negating guilty intention

- 5.1 Mental incapacity
 - 5.1.1 Minority
 - 5.1.2 Insanity - impairment of cognitive facilities, emotional imbalance
 - 5.1.3 Medical and legal insanity
- 5.2 Intoxication - involuntary
- 5.3 Private defense - justification and limits
 - 5.3.1 When private defense extends to causing of death protection body and property
- 5.4 Necessity

5.5 Mistake of Fact

Unit 6: Types of Punishment

- 6.1 Death
 - 6.1.1 Social relevance of capital punishment
 - 6.1.2 Alternative to capital punishment
- 6.2 Importance for life, with hard labour, simple imprisonment
- 6.3 Forfeiture of property
- 6.4 Fine
- 6.5 Discretion in awarding punishment
- 6.6 Minimum punishment in respect of certain offences

Unit 7: Specific offences against human body

- 7.1 Causing death of human beings
 - 7.1.1 Culpable homicide
 - 7.1.2 Murder
 - 7.1.3 Distinction between culpable homicide and murder
 - 7.2 Specific mental element requirement in respect of murder
 - 7.3 Situation justifying treating murder as culpable homicide not amounting to murder
 - 7.3.1 Grave and sudden provocation
 - 7.3.2 Exceeding right to private defense
 - 7.3.3 Public servant exceeding legitimate use of force
 - 7.3.4 Death in sudden fight
 - 7.3.5 Death caused by consent of the deceased - Euthanasia
 - 7.3.6 Death caused by person other than the person intended
 - 7.3.7 Miscarriage with or without consent
 - 7.4 Rash and negligent act causing death
 - 7.5 Hurt - grievous and simple
 - 7.6 Assault and criminal force
 - 7.7 Wrongful restraint and wrongful confinements - kidnapping from lawful guardianship and from outside India
 - 7.8 Abduction
 - 7.9 Terrorist act (section 113)

Unit 8: Offences against women

- 8.1 Insulting the modesty of a woman
- 8.2 Assault or criminal force with intent to outrage the modesty of a woman
- 8.3 Causing miscarriage without woman's consent
- 8.4 Causing death by causing miscarriage without woman's consent

- 8.5 Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse
- 8.6 Buying a minor for purposes of prostitution
- 8.7 Cruelty by husband or relatives of the husband
- 8.8 Rape
- 8.9 Custodial rape
- 8.10 Marital rape
- 8.11 Cruelty by husband or relatives of the husband
- 8.12 False promise of marriage (section 69)
- 8.13 Common law remedy to protect against obscene/indecent depiction of woman

Unit 9: Offences against property

- 9.1 Theft
 - 9.2 Cheating
 - 9.3 Snatching
 - 9.4 Extortion
 - 9.5: Robbery and Dacoity
 - 9.6: Mischief
 - 9.7: Criminal misrepresentation and criminal breach of trust
 - 9.8: Criminal Trespass
 - 9.9: Forgery
- ### **Unit 10: Offences by or relating to public servants**
- 10.1 Public servant taking gratification of other than legal remuneration
 - 10.2 Public servant induced by illegal or corrupt means to do or not to do an act
 - 10.3 Public servant obtaining valuable thing without consideration connection with official functions
 - 10.4 Public servant framing incorrect document without intent to cause injury
 - 10.5 Unlawful buying or bidding by public servant
 - 10.6 Special legislations dealing with prevention of corruption, prevention of corruption Act, objective and scope
 - 10.7 False evidence and offences against public justice

Unit 11: Offences against the State

- 11.1 Waging attempting conspiring to wage or collecting the ammunition to wage war against the Government of India
- 11.2 Assaulting President or Governor of a State with an intent to compel or restrain the exercise of any lawful power

- 11.3 War against a power at peace with the Government of India are committing depredations on the territories of such powers
- 11.4 Permitting or aiding or negligently suffering the escape of or rescuing of harboring, a state of prisoner

Unit 12: Defamation

- 12.1 Defamation (section 356)
- 12.2 Punishment for defamation
- 12.3 Printing or engraving matter known to be defamatory
- 12.4 Sale of printed or engraved substance containing defamatory matter

SUGGESTED READINGS

1. Bharatiya Nyaya Sanhita, 2023, Law and practice by Prof. Vageshwari Deswal & Adv. Saurabh Kansal (Taxmann's publication).
2. Bharatiya Nyaya Sanhita, 2023 (Bare Act)
3. Commentary on "Bharatiya Nyaya Sanhita, 2023" by K. Sudhakar, Superintendent of Police (Rtd) published by Asia Law House
4. The Bharatiya Nyaya Sanhita, 2023 by Varun Soni, IRS (Lawman's Publication)
5. Master Guide to new Criminal Laws by C. H. Malkal Rao, Deputy Commissioner of Police (Rtd) published by Asia Law House.
6. Taxmann's Book on New Criminal Law
7. Ratan Lal and Dhiraj Lal: Indian Penal Code, Wadhwa & Co. Nagpur
8. Achutan Pillai, Criminal Laws, Butterworth Co.
9. Kenny's outlines of Criminal Law

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(Bharatiya Nagarik Suraksha Sanhita, 2023)

(Common to 5.2 paper in 3 year & 9.2 paper in 5 year Law degree courses)

(effective from the batch of students those who are in

5th and 9th semesters in 2024)

SYLLABUS

UNIT1:INTRODUCTORY

- 1.1 TherationaleofCriminalProcedure:TheimportanceofFairTrail
- 1.2 Constitutionalperspectives: Articles14,20and21
- 1.3 ThevarietyofCriminalproceduresandacomparativestudyofCodeofcriminalProcedure and BharatiyaNagarikSurakshaSanhita,2023.
- 1.4 TheorganizationofPolice,prosecutor,Defense,CounselandPrisonAuthoritiesandtheirduties,functions andpowers
- 1.5 Typesofprocedures-inquisitorialand Advisory-importanceofobservanceofprocedure

Unit2: PRE–TRIALPROCESS: FIR

- 2.1 FIR(sec.173)
- 2.2 EvidentiaryvalueofFIR(sec.148,160ofBharatiyaNagarikSurakshaSanhita,2023)
- 2.3 Pre–trialprocess:Magisterialpowertotakecognizance(sec.215-222)

UNIT3:PRE-TRIALPROCESSARREST:SEARCHANDSEIZURE

- 3.1 Thedistinctionbetweenecognizableandnon-cognizableoffences:relevanceandadequacy+prob
- 3.2 Stepstoensureaccused’spresenceattrail:Warrantandsummonsescases
- 3.3 Arrestwithandwithoutwarrant(sec72-75and35)
- 3.4 Theabsconder’sstatus(sec84-88)
- 3.5 Rightstoarrest
- 3.5.1 Rightstobeinformed ofthegroundsofarrest (sec.55,61,77)
- 3.6 Rightsto betakentotheMagistratewithoutdelay(sec57-58)
- 3.7 Rightsofnot beingdetainedformorethan24Hours(sec58Article22(2)oftheConstitutionofIndia)
- 3.8 Rightstoconsultlegalpractitionerandlegalaid
- 3.9 Rightstobeexaminedbyamedicalpractitioner(sec53)
- 3.10 Searchwarrant(sec.85, 97,100,101)andSearcheswithoutwarrant(sec.108)
- 3.11 Policesearchduringinvestigation(sec.185,186)
- 3.12 GeneralPrinciplesofsearch(sec.103)
- 3.13 Seizure(sec.106,107)

3.14 Constitutional aspects of validity of search and seizure proceedings

Unit 4: TRIAL PROCESS AND FAIR TRIAL

- 4.1 Commencement of proceedings (sec. 223, 224, 225)
- 4.2 Dismissal of complaint (sec. 226, 227)
- 4.3 Bail
 - 4.3.1 Bailable and non-bailable offences (sec. 478, 480, 483)
 - 4.3.2 Cancellation of bails (sec. 480)
 - 4.3.3 Anticipatory Bail (sec. 482)
 - 4.3.4 Appellate Bail powers – suspension of sentence (sec. 430, 436, 480)
 - 4.3.5 General Principles concerning bond (sec. 485-496)
 - 4.3.6 Constitutional principles regarding bail
- 4.4 Conception of fair trial and protection of witness (sec. 398)
- 4.5 Presumption of innocence
- 4.6 Venue of trial (sec. 197-209) jurisdiction of criminal courts
- 4.7 Right of accused to know the accusation (sec. 244-247)
- 4.8 The trial must generally be held in accused's presence (sec. 228, 308, 355, 356)
- 4.9 Right of cross examination and to offer evidence in defense
- 4.10 Constitutional interpretation of Article 21 as a right to speedy trial

Unit 5: CHARGE

- 5.1 Form and content of charge (sec. 234, 235, 239)
- 5.2 Separate charges for distinct offences (sec. 241, 242, 243, 244, 246)

Unit 6: PRELIMINARY PLEAS TO BAR THE TRIAL:

- 6.1 Jurisdiction (Sec. 21, 197-208, 507, 508, 525)
- 6.2 Time limitations – Rationale and scope (sec. 514, 519)
- 6.3 Pleas of autrefois acquit and autrefois convict (sec. 337, Art. 22(d))
- 6.4 Issues – estoppel

Unit 7: TRIAL BEFORE A COURT OF SESSION

Procedural steps and substantive rights under sec. 249-259

Unit 8: JUDGEMENT

- 8.1 Form and content (sec. 393)
- 8.2 Summary trial (sec. 283-288)
- 8.3 Post
 - conviction orders in lieu of punishments; emerging panel policy (sec. 401, 402, 25)
- 8.4 Compensation and cost (sec. 395, 399)
- 8.5 Modes of providing judgment (sec. 392, 403, 404)

Unit 9: APPEALS AND REVISION

- 9.1 No appeal in certain cases (sec. 413, 416, 417)
- 9.2 The rationale of appeals, review, revisions
- 9.3 The multiple range of appellate remedies
 - 9.3.1 Supreme Court of India (sec. 415, 420, Articles 132, 134)
 - 9.3.2 High Court (sec. 415)
 - 9.3.3 Sessions Court (sec. 415)
 - 9.3.4. Special right to appeals (Sec. 421)
 - 9.3.5 Governmental appeal against sentencing (sec. 418, 419)
 - 9.3.6 Judicial power in disposal of appeals (sec. 188)

9.3.7 Legalaidinappeals

9.4 Mercy petition in death sentences case (sec.472, Art.72, Art.161)

**Unit 10: PROBATION AND PAROLE AND PROCEDURE
UNDER PROBATION OF OFFENDERS
ACT AND SPECIAL PROCEDURES IN
CRIMINAL MATTERS**

10.1 Problems and principles

10.2 Suspension of sentence

10.3 Meaning of Parole

10.4 Authority granting parole

10.5 Supervision

10.6 Conditional release

10.7 Procedure under Juvenile Justice Act.

10.8 Juvenile Justice system

10.9 Treatment and rehabilitation of juveniles

10.10 Juvenile–adult crimes

10.11 Protection of juvenile offenders, legislative and judicial role

10.12 Concept of juvenile delinquency

Books Recommended:

- *Taxmann's: Bharatiya Nagarik Suraksha Sanhita, 2023*
- *Commentary on Bharatiya Nagarik Suraksha Sanhita, 2023 by K. Sudhakar, Superintendent. Of Police (rtd) [by Asia Law House]*
- *The Bharatiya Nagarik Suraksha Sanhita, 2023 Varun Soni, IRS [Lawmann's Publication]*
- *Master Guide to New Criminal Law by C.H Malhal Rao, Deputy Commissioner of Police (Rtd), Published by Asia Law House*
- *Taxmann's book on New Criminal Law*
- *R.V Kelker: Lectures on Criminal Procedure Code*
- *S.N. Mishra: Criminal Procedure Code*
- *Ratan Lal and Dhiraj Lal: Criminal Procedural Code, Wadhwa & Co.*

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BHARATIYA SAKSHYA ADHINIYAM, 2023

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SYLLABUS

Unit1:INTRODUCTORY

- 1.1 Conceptionsofevidence inclassicalHinduandIslamicJurisprudence
- 1.2 EvidenceinCustomaryLawSystems(Non–statelaw)
- 1.3 TheintroductionoftheBritish‘Principles’ofevidence
- 1.4 ThemainfeaturesoftheBharatiyaSakshya Adhiniyam,2023.
- 1.5 TheObjectandReasonstotheBharatiyaSakshyaAdhiniyam, 2023.
- 1.6 The comparative study of Indian Evidence Act, 1872 and Bharatiya SakshyaAdhiniyam,2023.
- 1.7 Other Acts. Which deal with evidence (special reference to CPC, BharatiyaNagarik Suraksha Sanhita, Central Act. Such as Banker’s Book Evidence Act.,FiscalandRevenueLawsetc.,
- 1.8 ProblemofApplicabilityofBharatiyaSakshya Adhiniyam,2023.
 - 1.8.1 AdministrativeAreas
 - 1.8.2 AdministrativeTribunals
 - 1.8.3 IndustrialTribunals
 - 1.8.4 CommissionsofEnquiry
 - 1.8.5 Court–martial
 - 1.8.6 Need for industrial Tribunals, Commissions of Enquiry, Court Martial, Unfairmeansofexamination, Arbitration,Disciplinaryproceedings

Unit2:CENTRALCONCEPTIONSINTHEBHARATIYASAKSHYAADHINIYAM,2023

- 2.1 Facts:Sec.2;Definitions,distinction(DistinctionbetweenFactsiniss ueandrelevancyofFacts).
- 2.2 Evidence:Oralanddocumentary–PrimaryandSecondaryevidence
- 2.3 CircumstantialEvidence,DirectEvidenceandHearsayevidence
- 2.4 Presumption(sec.2)
- 2.5 ‘Proved’, ‘Disproved’andNotProved.
- 2.6 Witness
- 2.7 AppreciationofEvidence

Unit3:RELEVANCYOFFACTS

- 3.1 The Doctrine of Res Gestae (sec.4,5,6,7)
- 3.2 Evidence of Common Intention (sec.8)
- 3.3 The problems of relevancy of 'Otherwise' Irrelevant become Relevant Facts (sec.9)
- 3.4 Relevant facts for proof of custom (sec.11)
- 3.5 Facts concerning bodies and state of mind (sec.12&13)

Unit4:ADMISSIONSANDCONFESSIONS

- 4.1 General principles concerning Admissions (sec.15-21)
- 4.2 Differences between 'Admission' and 'Confession' The problems of non –admissibility of confessions
- 4.3 Confession Caused by inducement, threat coercion or promise (sec.22)
Inadmissibility of Confession made before a Police Officer (sec.23(1))
.Admissibility of 'Custodial' Confessions (sec.23(2)) Admissibility of 'information' received from an accused Person in custody; with special reference to the problem of discovery based on 'Joint statement' (sec.23(2))
- 4.4 Confession by Co–accused (sec.24)
- 4.5 The problems with the judicial action based on a 'Retracted Confession'

Unit 5: DYING DECLARATION OTHER STATEMENTS BY PERSONS WHO CAN NOT BE CALLED AS WITNESSES

- 5.1 The justification for relevance on dying declaration (sec. 26)
- 5.2 The judicial standards for appreciation of evidentiary value of dying declarations
- 5.3 General Principles (sec.27).

Unit6:RELEVANCEOFJUDGMENTS

- 6.1 General principles (sec.34–38)
- 6.2 Admissibility of Judgments in civil and criminal matters (sec.37)
- 6.3 'Fraud and "Collusion" (sec.38)

Unit7:EXPERTTESTIMONY

- 7.1 General Principles (sec.39-44)
- 7.2 Who is an Expert? Types of Expert Evidence
- 7.3 Opinion on Relationships especially proof of marriage (sec.44)
- 7.4 The Problems of Judicial defense to expert testimony

Unit8:ORALANDDOCUMENTARY EVIDENCE

- 8.1 General Principles concerning oral evidence (sec.54,55)
- 8.2 General principles concerning documentary Evidence including Electronic or Digital Record (sec.61,65-92)
- 8.3 General Principles Regarding Exclusion of oral by Documentary Evidence (sec.95)
- 8.4 Special problems regarding Hearsay Evidence (sec.55)
- 8.5 Estoppel in relation to oral and Documentary Evidence (sec.121-123)

Unit9:WITNESSES,EXAMINATIONANDCROSSEXAMINATION

- 9.1 CompetencytoTestify(sec.124)
- 9.2 StatePrivilege (sec.129)
- 9.3 ProfessionalPrivilege(sec.132,133)
- 9.4 ApproverTestimony(sec.138)
- 9.5 GeneralPrinciplesofExamination(sec.140–168)
- 9.6 LeadingQuestions(sec.146)
- 9.7 LawfulQuestionsinCrossExamination(sec.149)
- 9.8 Compulsionstoanswerquestionsputtowitness(sec.150, 156)
- 9.9 HostileWitness(sec. 157)
- 9.10 Impeaching ofthe standingorcreditofwitness(sec.158)

Unit10:BURDENOFPROOFANDESTOPPEL

- 10.1 TheGeneralandSpecialExceptionstoProbandi (sec.104)
- 10.2 GeneralandSpecialExceptions to OnusProbandi(sec.105)
- 10.3 ThejustificationofpresumptionsoftheDoctrineofJudicialNotice(sec.119)
- 10.4 Justificationastopresumptionasto certainoffence(sec.117)
- 10.5 PresumptionsastoDowryDeath(sec.118)
- 10.6 The Scopeofthe DoctrineofJudicialNotice (sec.119)
- 10.7 WhyEstoppel?Introductionastothe Rationale(sec.121-123))
- 10.7.1 Estoppel,ResjudicataandWaiver:andPresumption
- 10.7.2 EstoppelasamatterofSilence
- 10.7.3 EstoppelbyDeed
- 10.7.4 EstoppelinPais
- 10.7.5 Equitableand promissoryEstoppel
- 10.8 Questionsofcorroboration(sec.159,160);Accomplice
- 10.9 Improperadmissionandofwitnessincivilandcriminalcases(sec.169)

11.LAW REFORMS**BOOKSRECOMMENDED**

1. BharatiyaSakshyaAdhinyam,2023byAdv.Saurabhkansa
l&Prof.VageshwariDeswal(Taxmann’sPublication).
2. BharatiyaSakshyaAdhinyam,2023(BareAct)
3. CommentaryonBharatiyaSakshyaAdhinyam,2023byK.Sudhakar,
MA,LL.BSuptd.ofPolice(Rtd.),PublishedbyAsiaLawHouse.
4. TheBharatiyaSakshyaAdhinyam,
2023byVarunSoni,
IRS(LAWMANN’SPublication)
5. Master guideto
NewCriminalLawsbyCHMalhalRao,DeputyCommis
sionerofPolice(Rtd.)Published byAsiaLawHouse.
6. Taxmann’shandbookonNewCriminalLaws.
7. BatukLal: ThelawofEvidence,CentralLawagency,Allahabad.
8. VepaP.Saradhi:LawofEvidence,Easternbookcompany,Lucknow.
9. MMonir :PrincipleandDigestofthelawofEvidence,Uni
versalBookagency,Allahabad.

