Section 100 & 101

Bharatiya Nyaya Sanhita

Culpable Homicide & Murder



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TRUE LEARNING

Bare Act Revolution

Section 100 & 101

BNS

(formerly Sec 299 & 300 IPC)



Culpable Homicide & Murder

Similarity

- Death

Difference

Culpable Homicide (Sec 100)		Murder (Sec 101)
■ Whoever causes death by doing an act. ■ (Doing an act) with the intention of causing death.	Intention	■ (a) If the act by which the death is caused is done with the intention of causing death.
■ Intention of causing such bodily injury as is likely to cause death.	Bodily Injury	■ (b) Intention of causing such bodily injury as the offender knows to be likely to cause the death. ■ (c) Intention of causing such bodily injury as is sufficient in the ordinary course of nature to cause death.
■ Knowledge that he is likely by such act to cause death.	Knowledge	■ (d) Knowledge that the act is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, done without any excuse for the risk.

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Section 100

BNS

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Culpable Homicide

Intention: Act done with an **intention** to cause **death.**



Professional Shooter





Culpable Homicide which is also Murder

Dies as a consequence

Since death was **intended**, it is also **murder** under Sec 101(a), unless an Exception applies.

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Section 100

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Culpable Homicide

Bodily Injury: Act done with an intention to cause such **bodily injury** as is **likely to cause death.**





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Section 100

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Culpable Homicide

Knowledge: Act done with the **knowledge** that it is **likely to cause death.**



Although he did not intend to kill anyone, he had the knowledge that firing bullets into a crowd was likely to cause death.



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Punishment for Culpable Homicide

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OFFENCE	PUNISHMENT
Culpable homicide not amounting to murder, if the act by which the death is caused is done with the intention of causing death, etc.	Imprisonment for life or 5 to 10 years + fine. 
If the act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc.	Imprisonment up to 10 years + fine. 

COGNIZABLE	BAIL	TRIABLE BY
Cognizable	Non-bailable	Court of Session

Compounding under BNSS

(Sec 359 BNSS)

- Offence is NOT compoundable.

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Section 101

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Murder

Intention: Act done with an **intention** to cause **death.**





The person died.

Liable for Murder

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Section 101

BNS

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Murder

Bodily Injury: Act done with an intention to cause such **bodily injury** as the **offender knows** to be **likely to cause death** of the person.





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Section 101

BNS

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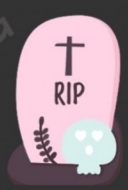
Murder



As a result, he died.

Dead



He knew that hitting him on his recently operated head was likely to cause his death.





Liable for Murder

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Section 101

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Murder

Bodily Injury: Act done to cause such **bodily injury** as is **sufficient** in the ordinary course of nature **to cause death**.









Throwing him in, tied and unconscious, was sufficient to cause his death.



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Section 101

BNS

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Murder

Transferred Malice: Act done with an intention to kill one person, but another person dies. It is still murder (Sec 102).



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Section 101

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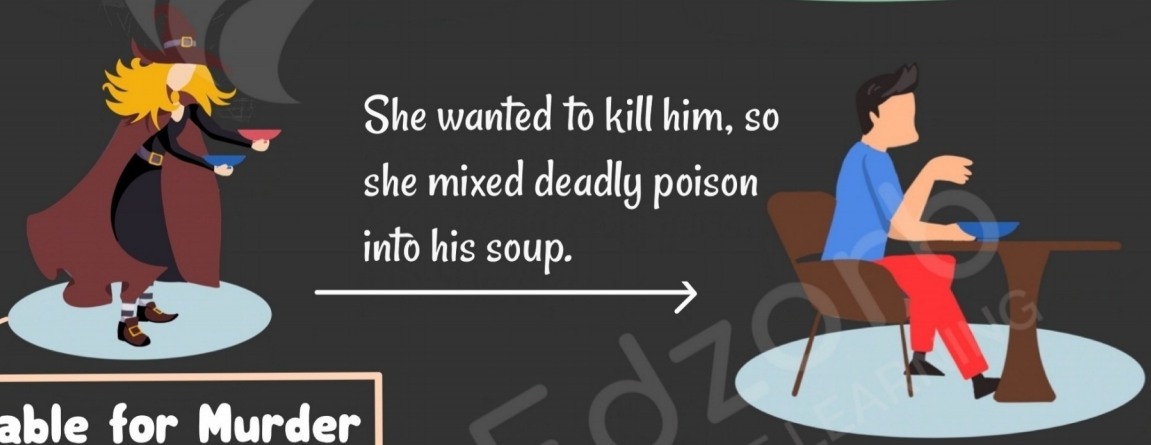
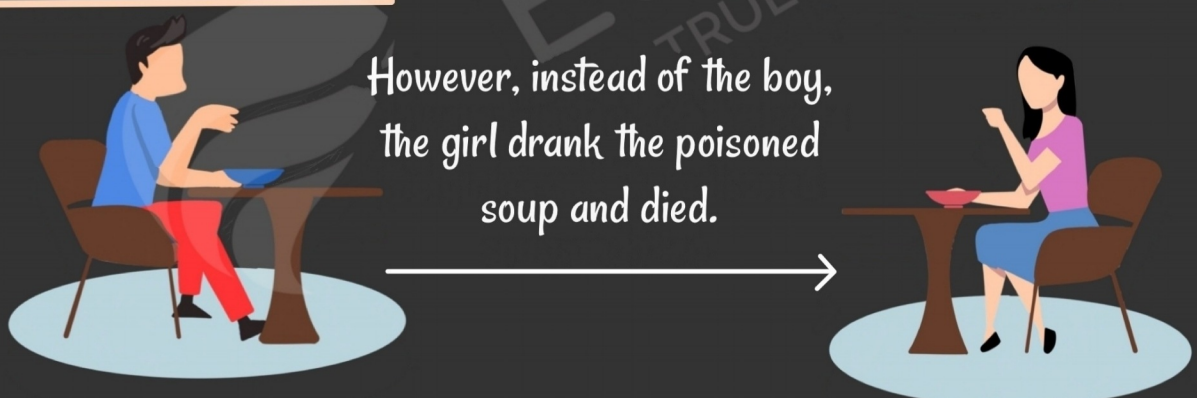
Murder





Liable for Murder



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Exceptions to Murder

BNS

Sudden and Grave Provocation

- Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident.



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Exceptions to Murder

BNS

Sudden and Grave Provocation



Liable for Culpable Homicide not amounting to Murder

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Exceptions to Murder

BNS

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Exceeding Right of Private Defence

- Culpable homicide is not murder if the offender in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.



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Exceptions to Murder

BNS

Exceeding Right of Private Defence



He shot in good faith to defend himself, but caused more harm than necessary. So, it is **Culpable Homicide not amounting to Murder.**

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Exceptions to Murder

BNS

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Exceeding Power By Public Servant

- Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.



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Exceptions to Murder

BNS

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Exceeding Power By Public Servant



She, in good faith, shoots the thief and causes his death by an act she believes to be lawful and necessary for the due discharge of her duty, without any ill-will towards him. So, it is Culpable Homicide not amounting to Murder.



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Exceptions to Murder

BNS

Sudden Fight

- Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.



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Exceptions to Murder

BNS

Sudden Fight



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Exceptions to Murder

BNS

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Sudden Fight







Liable for Culpable Homicide not amounting to Murder

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Exceptions to Murder

BNS

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Consent

- Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.



Patient is above 18 years of age.

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Exceptions to Murder

BNS

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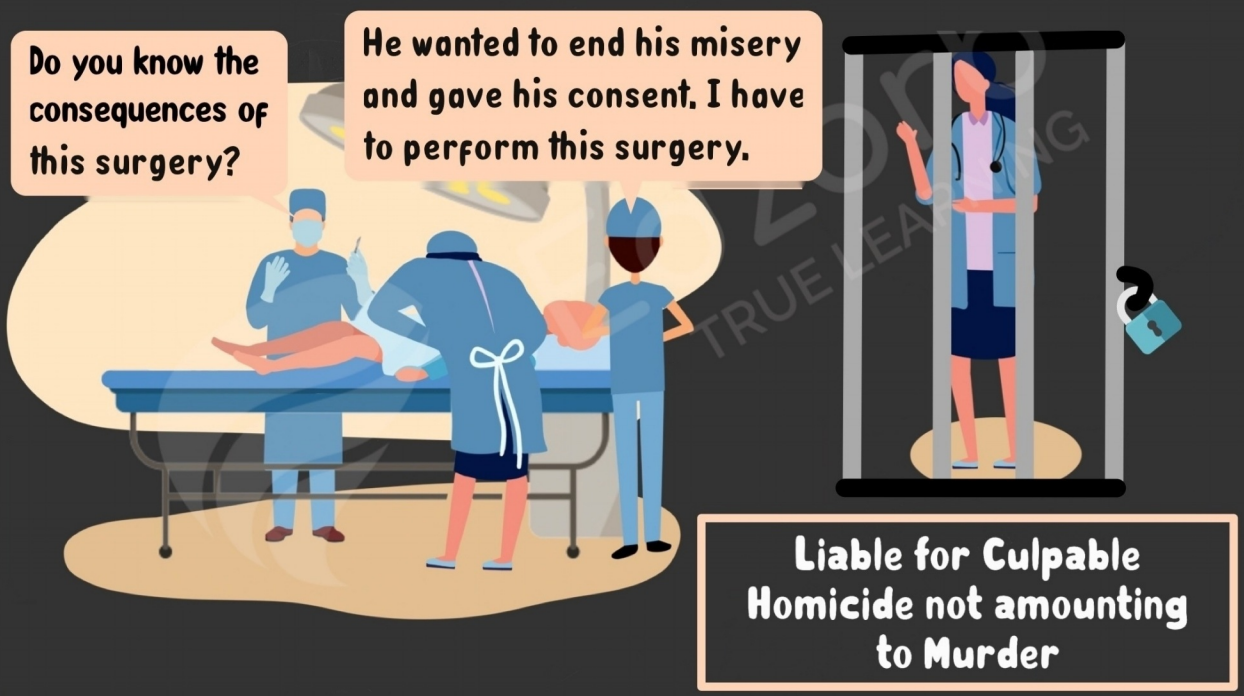
TRUE LEARNING

Consent



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Punishment for Murder

BNS

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OFFENCE	PUNISHMENT
Murder	Death or imprisonment for life + fine



COGNIZANCE	BAIL	TRIABLE BY
Cognizable	Non-bailable	Court of Session

Compounding under BNSS

(Sec 359 BNSS)

- Offence is NOT compoundable.

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Case Laws

BNS

(decided under IPC; now Sec 100 & 101 BNS)

R v Govinda

- In this case, the High Court held that there was no intention to cause death, nor was the bodily injury sufficient in the ordinary course of nature to cause death.

- The accused was accordingly found guilty of culpable homicide not amounting to murder and sentenced to transportation for seven years.



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Case Laws

BNS

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Virsa Singh v State of Punjab



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Case Laws

BNS

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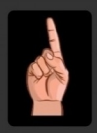
TRUE LEARNING

Virsa Singh v State of Punjab

There is a four-point test which the prosecution must satisfy to prove the case.





A bodily injury is present and is objectively established.





The nature of the injury is proved.



There was an intention to inflict that particular injury (not accidental).





The injury is sufficient to cause death in the ordinary course of nature.



- Once all four elements are proved by the prosecution, the offence is murder under Sec 300 (thirdly) IPC, now Sec 101(c) BNS.

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Case Laws

BNS

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K.M. Nanavati v State of Maharashtra

- The Supreme Court held that the conduct of the accused clearly showed the murder was deliberate and calculated. Exception 1 did not apply, as he had time to cool down before the killing.

- As a result, he was convicted of murder under Sec 302 IPC and sentenced to imprisonment for life.



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Case Laws

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K.M. Nanavati v State of Maharashtra



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Spot the Verdict

BNS

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1 A spear is thrust into the stomach with force. The intestines come out and the man dies.

Virsa Singh v State of Punjab, AIR 1958 SC 465



Murder, Sec 101(c)

2 A husband knocks his wife down and punches her face. She dies of a brain injury.

Reg v Govinda, (1877) ILR 1 Bom 342



Culpable homicide, Sec 105

3 He hits his wife, wrongly thinks she is dead, and hangs her to fake a suicide.

Palani Goundan v Emperor, (1919) ILR 42 Mad 547



Neither: only hurt

4 His wife confesses an affair. Hours later, he takes a pistol and shoots the lover dead.

K.M. Nanavati v State of Maharashtra, AIR 1962 SC 605



Murder, Sec 101(a)

5 A sudden quarrel. He grabs a weapon lying nearby and strikes. No cruelty.

Surinder Kumar v UT Chandigarh, (1989) 2 SCC 217



Culpable homicide, Exception 4

6 Lathi blows in a sudden fight. He dies, but there was no intention or knowledge of death.

Md. Isak Md. v State of Maharashtra, AIR 1979 SC 1434



Neither: grievous hurt only

7 Shovel blows kill him. The High Court finds only grievous hurt. The Supreme Court disagrees.

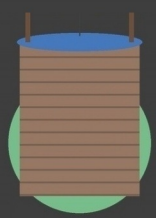
Richhpal Singh Meena v Ghasi, [2014] 9 SCR 857



Murder, Sec 101(c)

8 In panic, fleeing her husband, a mother jumps into a well with her baby. The baby dies.

Emperor v Mt. Dhirajia, AIR 1940 All 486



Culpable homicide, Sec 105

9 At his wife's own request, a husband kills her. She is an adult.

Dasrath Paswan v State of Bihar, AIR 1958 Pat 190



Culpable homicide, Exception 5

10 Poisoned sweets meant for one man are eaten by a child, who dies.

Emperor v Mushnooru Suryanarayana Murthy, (1912) 22 MLJ 333



Murder, Sec 102

Answers are printed upside down: turn the page around to check.

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Mains Practice

BNS

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Format: *section first > one case per point > conclusion*

Q1. Medium 10 marks

"The distinction between murder and culpable homicide not amounting to murder is very fine but real." Discuss with reference to Sec 100 and 101 BNS.

ANSWER FRAME

Introduction
- Culpable homicide (Sec 100 BNS) is the genus; murder (Sec 101) is the species (State of A.P. v Rayavarapu Punnayya, 1976).
- All murder is culpable homicide, but not all culpable homicide is murder.

Body
- Compare limb by limb: Sec 100 (intention, likely injury, knowledge) with Sec 101(a) to (d).
- "Likely" to cause death versus "sufficient in the ordinary course of nature" (R v Govinda, 1876; Virsa Singh, 1958).
- Sec 101(b): the offender knows the victim's special frailty.
- Any Exception makes it culpable homicide not amounting to murder.
- Courts may infer intention from weapon, body part, force and conduct; the list is not exhaustive (Pulicherla Nagaraju v State of A.P., 2006).

Conclusion
- Real in sentence: death or life (Sec 103) versus Sec 105: life or 5 to 10 years (intention), up to 10 years (knowledge only), with fine.

Q2. Tough 10 marks

Explain the five Exceptions to Sec 101 BNS. Do they lead to acquittal?

ANSWER FRAME

Introduction
- The Exceptions reduce murder to culpable homicide not amounting to murder; the burden of proving them is on the accused (Sec 108 BSA).

Body
- Exc. 1, grave and sudden provocation, not self-sought, not given by a lawful act or private defence; a question of fact (K.M. Nanavati, 1962).
- Exc. 2, private defence exceeded in good faith, unplanned, no intent to do more harm than needed.
- Exc. 3, public servant exceeding powers in good faith, without ill-will.
- Exc. 4, sudden fight, heat of passion, no premeditation, no undue advantage; who struck first is immaterial (Surinder Kumar v UT Chandigarh, 1989).
- Exc. 5, consent of a person above 18 (Dasrath Paswan v State of Bihar, 1958).

Conclusion
- Not acquittals: the accused is still punished under Sec 105 BNS.

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Mains Practice

BNS

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Format: *section first > one case per point > conclusion*

Q3. Medium 10 marks

What has the BNS changed in the law of homicide? Explain with reference to Secs 100 to 106 BNS.

ANSWER FRAME

Introduction

- The BNS, 2023 (in force from 1 July 2024) keeps the IPC's scheme of homicide but renumbers it and adds new provisions.

Body

- Renumbering: Secs 299, 300, 302, 304 and 304A IPC are now Secs 100, 101, 103, 105 and 106 BNS.
- Sec 103(2): murder by a group of five or more on grounds such as caste, community or language; death or life, and fine (mob lynching; Tehseen Poonawalla v Union of India, 2018).
- Sec 105: a minimum of 5 years where death is caused with intention but the case falls short of murder.
- Sec 106(1): death by negligence now up to 5 years and fine; up to 2 years for a registered medical practitioner.
- Sec 106(2): hit-and-run, up to 10 years; not yet brought into force.

Conclusion

- The core test of murder is unchanged; the new law targets mob violence and negligence.

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Mains Practice

BNS

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Format: *section first > one case per point > conclusion*

Q4. Tough 15 marks

During a cricket match, Sam and Aditya quarrel over a run-out and start pushing and hitting each other. In the heat of the fight, Sam picks up a bat lying nearby and strikes Aditya once on the head. Aditya dies ten days later. Decide Sam's liability.

ANSWER FRAME

Introduction
- Issues: causation, Sec 101(c), Exception 4, and which part of Sec 105 applies.

Body
- Death followed from the blow; the ten-day gap does not break the chain of causation.
- A bat blow to the head may fall under Sec 101(c) (Virsa Singh v State of Punjab, 1958).
- But it was a sudden fight upon a sudden quarrel, in the heat of passion, with no premeditation: Exception 4 (Surinder Kumar v UT Chandigarh, 1989).
- The bat was picked up on the spot and only one blow was struck, so no undue advantage or cruelty.
- Intention to cause injury likely to cause death: first part of Sec 105 BNS.

Conclusion
- Sam is liable for culpable homicide not amounting to murder: life, or 5 to 10 years, and fine (Sec 105).

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Revise this topic in 5 minutes

Read Law in 5: Culpable Homicide and Murder, and drill it with SPARK Flashcards.

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Prelims Practice

BNS

(MCQs under BNS; formerly IPC)

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Q1. Easy

Murder is defined in which section of the BNS?

A Section 100
B Section 101
C Section 103
D Section 105

Q2. Medium

The four-point test in Virsa Singh v State of Punjab (1958) explains:

A Sec 101(a)
B Exception 1 to Sec 101
C Sec 101(c)
D Sec 102

Q3. Medium

Culpable homicide not amounting to murder, done with intention, is punishable under Sec 105 BNS with:

A Up to 10 years, or fine, or both
B Life, or 5 to 10 years, and fine
C Death or life
D Up to 5 years and fine

Q4. Tough

Three hours after learning of a betrayal, A collects a revolver and shoots B dead. A is liable for:

A Culpable homicide, Exception 1
B Culpable homicide, Exception 2
C Culpable homicide, Exception 4
D Murder, as there was time to cool down

Answer key: 1-B 2-C 3-B 4-D

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Prelims Practice

BNS

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Q5. Tough

Murder by a group of five or more acting in concert on the ground of caste or community is specifically punishable under:

A. Sec 103(1) BNS
B. Sec 103(2) BNS
C. Sec 105 BNS
D. Sec 117 BNS

Q6. Medium

Under Exception 5 to Sec 101 BNS, the person whose death is caused with consent must be:

A. Above 16 years of age
B. Above 18 years of age
C. Above 21 years of age
D. Of any age, if consent is free

Q7. Medium

Causing death by negligence by a registered medical practitioner while performing a medical procedure is punishable under Sec 106(1) BNS with:

A. Up to 2 years and fine
B. Up to 5 years and fine
C. Up to 7 years and fine
D. Imprisonment for life

How to crack these MCQs

- "Sufficient in the ordinary course of nature" points to Sec 101(c) and Virsa Singh.
- "Time to cool down" means Exception 1 fails.
- "Group of five or more" on caste or community points to Sec 103(2).

Answer key: 5-B 6-B 7-A

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Prelims Practice

BNS

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Q8. Easy

Transferred malice is dealt with under which section of the BNS?

A Sec 100
B Sec 101
C Sec 102
D Sec 106

Q9. Tough

A police officer, in good faith and without ill-will, exceeds his legal powers believing the act necessary for his duty, and causes death. He is liable for:

A Murder
B Culpable homicide, Exception 3
C No offence, as he acted in good faith
D Death by negligence, Sec 106

Q10. Medium

In K.M. Nanavati v State of Maharashtra (1962), the Supreme Court held that:

A Exception 1 applied, as the provocation was grave
B Exception 1 did not apply, as there was time to cool down
C The act fell under Exception 4
D The accused had a right of private defence

How to crack these MCQs

- Exception 5 needs consent of a person above 18; age is the trap.
- Doctors get a lower limit in Sec 106(1): up to 2 years.
- "Good faith" plus public duty points to Exception 3.

Answer key: 8-C 9-B 10-B

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Answers and Explanations

BNS

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Q1 B | Section 101

Sec 101 BNS defines murder.

WHY NOT THE OTHERS
Sec 100 defines culpable homicide; Secs 103 and 105 only prescribe punishments.

Q2 C | Sec 101(c)

Virsa Singh explains old clause 'thirdly', now Sec 101(c): the intended injury is sufficient in the ordinary course of nature to cause death.

WHY NOT THE OTHERS
Sec 101(a) is plain intention to kill; Exception 1 is provocation; Sec 102 is transferred malice.

Q3 B | Life, or 5 to 10 years, and fine

The first part of Sec 105 BNS: imprisonment for life, or not less than 5 years up to 10 years, and fine.

WHY NOT THE OTHERS
A is the old wording of Sec 304 Part II IPC; C is the punishment for murder (Sec 103); D is not in Sec 105.

Q4 D | Murder

Three hours passed and A armed himself: he had time to cool down and regain self-control, so Exception 1 fails (K.M. Nanavati v State of Maharashtra, 1962). Time alone is not a bar; courts look at all the circumstances.

WHY NOT THE OTHERS
Exception 2 needs private defence and Exception 4 a sudden fight; neither happened here.

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Answers and Explanations

BNS

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Q5 B | Sec 103(2) BNS

New in the BNS: murder by five or more acting in concert on grounds such as caste or community; death or life imprisonment, and fine.

WHY NOT THE OTHERS
Sec 103(1) is ordinary murder; Sec 105 is culpable homicide; Sec 117 is grievous hurt.

Q6 B | Above 18 years of age

Exception 5 needs the consent of a person above 18 who suffers death or takes the risk of death (Dasrath Paswan v State of Bihar, 1958).

WHY NOT THE OTHERS
16 and 21 are the wrong ages; the consent of a person below 18 never brings the case within Exception 5.

Q7 A | Up to 2 years and fine

Sec 106(1) BNS gives a lower limit when a registered medical practitioner causes death while performing a medical procedure.

WHY NOT THE OTHERS
5 years is the general limit in Sec 106(1); 7 years and life imprisonment are not in Sec 106.

Exam tip: write like a judge

- Start with the BNS section and its old IPC number.
- One case per point, with its year.
- End with the punishment section and your verdict.

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Answers and Explanations

BNS

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Q8 C | Sec 102

Sec 102 BNS: the intention towards one person carries over to the person actually killed.

WHY NOT THE OTHERS
Secs 100 and 101 define culpable homicide and murder; Sec 106 covers death by negligence.

Q9 B | Culpable homicide, Exception 3

Exception 3 covers a public servant who exceeds legal powers in good faith, believing the act lawful and necessary, without ill-will.

WHY NOT THE OTHERS
Not murder, because the Exception applies; not 'no offence', as the death is still culpable homicide; not negligence, as the act was intentional.

Q10 B | Exception 1 did not apply

Nanavati had about three hours and armed himself, so he had regained self-control and Exception 1 did not apply; he was convicted of murder.

WHY NOT THE OTHERS
There was no sudden fight for Exception 4, and no right of private defence arose.

Score yourself

- 9 to 10: judge-ready. Revise on Day 3, 7 and 21.
- 6 to 8: re-read the explanations and case laws.
- 5 or less: revise with Law in 5 and book a free mentorship call on +91 988 988 3719.

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