

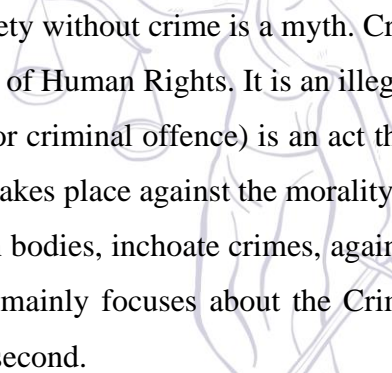
## **CRIMES IN THE PRESENT TIMES: A CRITICAL ANALYSIS**

*by*

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### **ABSTRACT**

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Crimes are unavoidable. And society without crime is a myth. Crime not only causes injury to the individuals but it also causes the infringement of Human Rights. It is an illegal act that takes place against the laws stated by the state. A crime or offence (or criminal offence) is an act that harms a community, society, or the state. Crime also defines as the act that takes place against the morality of the society. Crimes can take places in the form of offense against the human bodies, inchoate crimes, against woman and child or in the form of cyber-crimes, etc. This research article mainly focuses about the Crime that are present in the society and takes place in every minute or in every second.

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*Keywords:* - Indian Penal Code, Crimes, Offense, Infringement of Human Rights.

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## Introduction

Crime is, in simple terms, any criminal act done against society. Crime is any behaviour that harms society.

There is very little difference between the phrases "crime" and "offence." Breaking the law is referred to as a "offence." However, a crime is any action that goes against the norms of society. Crime is the situation in which the offence is prosecuted and the accused is punished, whereas offence is the conduct that is criminally chargeable. An offence and a crime are different in that an offence requires that the required evidence be proven, whereas a crime is subject to meeting the standards and criteria set forth by the law.

## History

According to the historical times, crime was considered to be the disobeying of the supreme, who gives punishment to the wrong doer. In the historical times the connection of the family was more important than the society. therefore, in case of the crime, the family of the victim would avenge the wrongs by the method of the self-redressal<sup>1</sup>.

In the 12<sup>th</sup> and 13<sup>th</sup> century, the crimes were mainly considered against the state or the religion. There was a bolt system, in which the wrongdoer had to provide the compensation, to the sufferer, and then would be considered as the guilt free. If the offender did not provide the bolt then he would be outlaw and would be killed like an wild beast. Also during the middle period, there was the system of ordeals by fire or by water in order to provide the prove of the innocence or the guilt<sup>2</sup>.

In the middle period the concept came into the limelight that the criminal himself contributed to the crime, and was responsible for his acts. With the changes in the time, it could be witness that the concept of the crime had changed as well as the reason behind the causation came into the existence<sup>3</sup>.

According to Blackstone, crime is an act which violates the public law either by forbidding or commanding it<sup>4</sup>.

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<sup>1</sup> Dr. N.V.Paranjape, Criminology & Penology (including Victimology) 2-4, (18<sup>th</sup> Edition, 2019)

<sup>2</sup> ibid

<sup>3</sup> ibid

<sup>4</sup> ibid

### Classifications of crime

**Predatory Crime:-** it is the crime in which the exploitation of the victim is conspicuous that the entire society gets affected by it. Example:- pickpocketing , theft etc<sup>5</sup>.

**Violent crimes:-**these are the crimes that causes the insecurity and fear in the community. The consequence of the acts affect the society at large. It includes violent crime against women, property, affecting the public safety, children, etc.

**Inchoate crime:-** it basically includes the act which is committed with the purpose of affecting the other crime.

Some of the crimes includes victimless crimes that do not affect any one or do not have direct impact on the victims. There are also crimes relating to the economic offence, social offences, and other socio –economic offences.

Some of the characteristics of crime are:-

It misbalance the morality of the society

It disturbs the peace of the society

It includes two parties : one who is the offender and the other is the victim [Code of Criminal Procedure 2(wa)]<sup>6</sup>

It is punishable at the eyes of the law

It includes the two important elements , Actus Rea(an act ) and mes rea(a guilty mind).

Actus rea :-

Actus reas refers to the act.

**Mens rea (guilty mind):-** there has to be the intention to harm the other party. According to it there should be certain state of mind for the commission.

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<sup>5</sup> ibid

<sup>6</sup> THE CODE OF CRIMINAL PROCEDURE, 1973. ACT NO. 2 OF 1974. [25th January, 1974.](India)

Mens rea and actus reas are the essential elements in order to define the commission of the act. Illustration can be :-

A bought a knife from the market with an intention to kill B. Here A had the mens rea (intention to kill B). Now until and unless A commits the murder, he will not be held liable without the commission of the crime.

### Stages of Crime

The stages of the crime can be explained

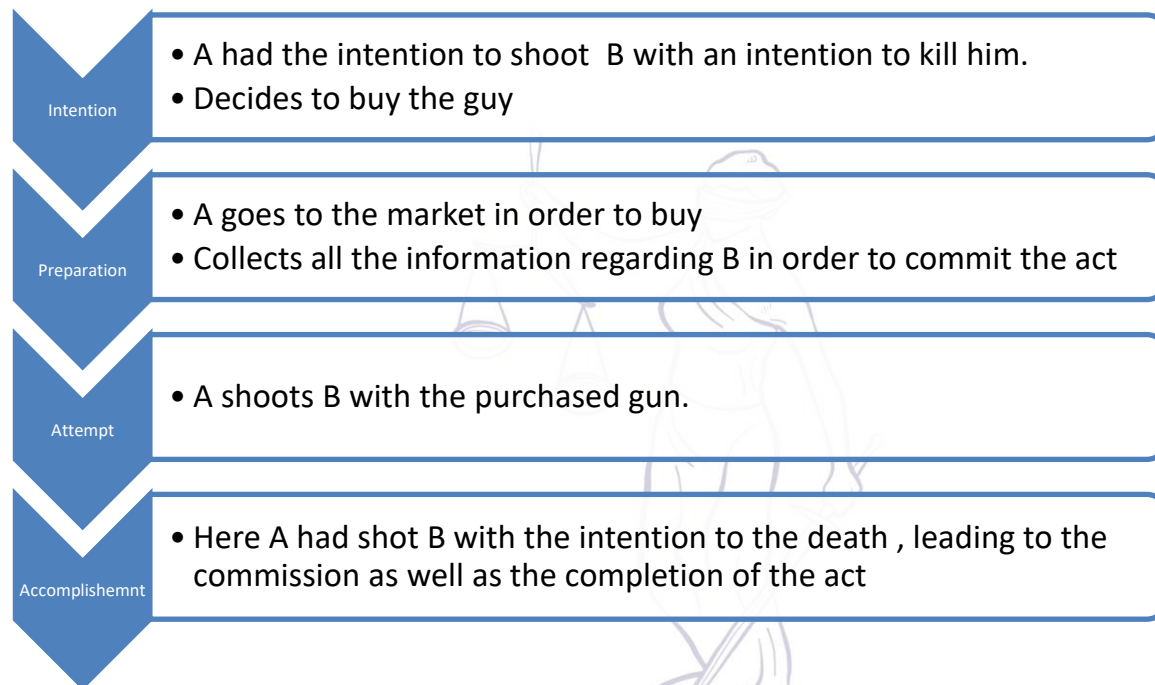


Figure 1.1

In case if A intentionally kills B, he will be liable for B's murder under section 302 of Indian penal code. Another example if A shoots at B with intention to kill him, under such circumstances that, if death ensued then A would be guilty of murder with according this section. In case , the death of B is not ensued then A will be guilty for attempt of murder under section 307.

Intention can be paired with the words like 'voluntarily', 'wilfully', 'deliberately', 'deliberate intention', 'with the purpose of', or 'knowingly' etc.

### Essentials of Mens Rea

A person's mental process, motive, and intention are the building blocks which means mens rea. Intention and motive are two different concepts. While intention may also refer to a person's state of mind and readiness to disobey the law, motive is the reason for the action. Although the presence of both motive and

intention aids in the prosecution of a crime, until and unless the crime is committed, conviction cannot take place. On the other hand, motive is not as significant as intention. It is a fictitious truth that the prosecution must prove in accordance with criminal law.

Example: A person in good faith takes another person's bike with them, if it was taken against the owner's will then theft will be charged for this action.

Crimes against women.

Crime against the women has been increasing day by day. Since the beginning of time, discrimination against women has existed. Women are seen as the weaker class in society and are frequently the victims of violent crimes including rape, acid attacks, domestic abuse, etc.

Rape :- section 375 of Indian Penal Code 1860 defines about the Rape . In simple words the act of forcing a woman for sexual intercourse without her consent while using deceit, or terror is known as rape. In other terms, it's the compulsion on any woman against her choice into the intercourse (the slightest penetration of the male reproductive organ). It is an extremely offensive behaviour that breaches a woman's honour, dignity, reputation, and self-esteem which are severely damaged.

Gang Rape :- (section 376D Indian Penal Code 1860):- When a woman is raped by more than 1 person or by group of men posing the common intention.

Honour Killing:- The act of killing the family member by other members for not getting married to the person the family wants or the marrying a person disapproved by the family. The predators believe that the victim brought shame or disgrace to the family.

Domestic violence :- refers to any physical or verbal abuse that occurs during the marriage. It is domestic violence. Domestic violence includes not just physical abuse but also any action intended to exert dominance and control over the victim. People from many different backgrounds may be affected<sup>7</sup>.

Dowry Death:- Dowry Death-section 304-B Indian Penal Code if in case the married woman dies from burns or body injuries within the seven years of her marriage will be considered as dowry death. Punishment for the dowry death will be imprisonment with the term of not less than seven years but may extend up to life imprisonment<sup>8</sup>.

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<sup>7</sup>Mahalakshmi Vaishnabi, *An Analysis on Domestic Violence Act In India*, INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS (IJLRA), <https://www.ijlra.com/paper-details.php?isuurl=an-analysis-on-domestic-violence-act-in-india-by-mahalakshmi-vaishnabi-5>, 6-17 (2022)

<sup>8</sup> ibid

**Molestation:-** molestation is an any conduct by a person that assaults or uses unlawful force against a woman with the intent or knowledge that it will offend her modesty . Such a violation is punishable by up to two years of simple or harsh imprisonment, a fine, or both. Section 354 of Indian Penal Code states about the act that outrage the women's modesty is an offense. Example:- Assault or use of criminal force to woman with intent to disrobe, stalking, voyeurism etc.

**Acid Attack:-** throwing of acid , amount to disfiguring with the intent to cause grievous harm as well as bodily injuries, maim , torture or to kill. Most of the cases, sulphuric or hydrochloric acid are used . it is the most violent, brutal , cruel form of act present in the society.

**Crime against the property:-**

**Criminal Breach of Trust :-** Possession of property or exercising dominion over it, dishonestly misappropriates, converts it for his own use, uses it or disposes of it in violation of a legal order defining how the trust is to be fulfilled, or of an express or implied legal agreement he has made regarding the fulfilment of the trust, or wilfully permits another person to do so, commits "criminal" behaviour.

**Receiving Stolen Property :-** Property that has been taken into possession by theft, extortion, or robbery, as well as property that has been criminally misused or with respect to which a criminal breach of trust has occurred, is referred to as "stolen property."

**Criminal Trespass :-** Anyone, who unlawfully enters property owned by another with the intent to commit an offense, insult, or annoy the owner of the property, or who lawfully enters the property with the intent to remain there with the intent to do so while also intimidating, insulting, or committing an offense is said to have engaged in "criminal trespass," according to Section 441 of The Indian Penal Code. So, it follows that criminal trespass occurs when someone enters another person's private property without their permission or an express or implicit license and stays there with the intent to commit a crime.

**Theft :-** Taking away of property with an dishonest intention without the consent of the person / owner . Property should be moveable .

**Extortion :-** section 383 of Indian Penal Code defines intentionally putting the person in fear of injury and dishonestly influence him for the property by putting him or her in fear to deliver any property. Fear can be the putting the person to death, attempt to death , fear of living by being punished with death.

**Robbery :-** Section 390 of Indian Penal Code defines the taking away the property in the immediate preserve against the owner's will which is received by fear and force with the intention depriving the owner permanently.

Dacoity:- Section 391 of Indian Penal Code defines when five or more persons conjointly commits or attempt to commit robbery is known dacoity.

Criminal Misappropriation of property :- The dishonest appropriation and use of another person's property for one's personal use is punishable under Section 403 of the Indian Penal Code. It enables the conversion of any transportable property with the fraudulent intent known as criminal misappropriation of property.

Crimes against human beings:-

Culpable Homicide :- A person who commits culpable homicide does so when they act with the intent to kill someone, inflict serious physical harm that is likely to result in death, or with knowledge that they can probably kill someone with their act.

Illustration

A strikes D hard on the head with a cricket bat while being unaware that he has a brain tumour, with the aim to kill him or knowing that death is likely to result. D passes away as a result of the tumour bursting.

A is responsible for any culpable homicide that is not murder.<sup>9</sup>

Murder :- In accordance with Section 300 of the Indian Penal Code, murder is defined. The act is committed with the purpose to kill.

The act is performed knowing that it will result in death from the bodily injury it is intended to cause.

A person would be guilty of murder if they carried out a dangerous conduct knowing it would result in death or serious damage.

Inflicting death by doing an act: There should be a purpose to cause physical harm that is likely to result in death or the death of someone in the regular course of nature.

.Dowry Death- A married woman may be punished with Dowry Death under Indian Penal Code<sup>10</sup> Section 304-B if she dies from burns or other physical injuries within seven years of her marriage. A minimum seven-year sentence of imprisonment, with a maximum sentence of life in prison, is the punishment for dowry death.<sup>11</sup>

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<sup>9</sup> Sujitha S & Shoronya Banerjee, *Difference between culpable homicide and murder*. IPLEADERS, (February 9, 2022), <https://blog.ipleaders.in/difference-between-culpable-homicide-and-murder/> (Last Visited on 10<sup>th</sup> August 2022, 9:00pm)

<sup>10</sup> THE INDIAN PENAL CODE. ACT NO. 45 OF 1860. 1. [6th October, 1860.](India)

<sup>11</sup> Supra note 8

Rape :- section 375 of Indian Penal Code 1860 defines about the Rape . In simple words the act of forcing a woman for sexual intercourse without her consent while using force, deceit, or terror is known as rape. In other terms, it's the compulsion of any woman against her choice into carnal knowledge (the slightest penetration of the male reproductive organ). It is an extremely offensive behaviour that breaches a woman's right to privacy and sanctity<sup>12</sup>.

Acid Attack :- Acid throwing constitutes disfigurement with the intent to cause great bodily harm in addition to physical hurt, maim, torture, or death. Sulphuric acid or hydrochloric acid are typically utilised. It is the society's most aggressive, vicious, and cruel style of behaviour.

Grievous Hurt: The Indian Penal Code's Section 320 defines this as an act that renders a person unable to carry out daily tasks for a period of twenty days because of intolerable pain.

The Indian Penal Code's Section 321-322 provides definitions for the terms "voluntary causing pain" and "gravely grievous hurt" to each of the parties involved in an act. Example: A strikes B with the intent or knowledge that the blow will likely result in permanent bodily impairment; nonetheless, the hit only causes extreme bodily pain for 20 days, which prompts the victim to intentionally inflict harm.

Wrongful restraint and wrongful confinement :- It is the act that would voluntarily obstructs the person to proceed to the direction that he has the right to for that direction , or restraining the person or confining the person.

Criminal force and Assault :- It is an act in which the use of the criminal force to any person on grave and provocation or the assault or any criminal force to outrage the modesty of the women or any gestures or any preparation causes the person to apprehend that the person is about to use criminal force . It can also be the intentional use of force on any person without the consent .

Crimes affecting the public health , safety , morality :-

Offenses that would lead to the disturbance of public tranquillity includes

Public Nuisance: The conduct that results in an illegal omission that harms or irritates the general public by residing on or occupying the property is referred to as a public nuisance. The act must endanger the public, inflict harm or obstruction, and cause annoyance while forgoing the opportunity to exercise any public right.

It can take on any shape, whether it's a careless or malicious act that spreads an infection and endangers civilization.

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<sup>12</sup> Supra note 8

Drug adulteration, put simply, is the addition of any additional ingredients that cause the quality of the drug to be compromised, diminished, or that alter the way the drug functions medically. The public health is endangered when such medications are used.

Selling obscene objects or engaging in obscene behaviour is defined as any action that is lascivious, appeals to a person's arousal for immorality, or has any other consequence that has the potential to degrade and defile them.

Crimes against public health and safety also include the following

Selling of poisonous drugs, fraudulent use of the false instrument for weighing i.e. using of any instrument for weighing with the knowledge that it is false, false measure of length or capacity or fraudulently using any weight or any measures of length or capacity, or being the owner of the false measure, rash driving, etc.

**White Collar Crime:** White collar crime also known as the socio-economic offense or welfare crime are the non-violent crimes, affecting a large section of the people collectively. It is the crime, which origination cannot be traced easily and are easily swept under the rug by the offender. It is most of the neglected as well as ignored by the people, as it has been the most common practice, for the offender to commit the crime and people have become accustomed to it. They are committed with a motive to earn personal gains and profits. It aims at gaining money.

Crimes in using the false evidence and offense against public justice.

Manipulation of evidence or providing the false evidence or fabricating the false evidence or in making the or when any person being with legal bound by oath to state truth but states the false statement having the knowledge of being truth is offense. Sometimes in order to get the justice in its favour, the witness are threatened turning them into the hostile witness.

Cyber crimes

Cyber crimes are the most common crimes that every individual faces and are scared of. It is very difficult to be traced as in one time it can commit many other crimes and there are endless numbers of victims. In these crimes the computers are used from one end and are targeted to another computer. The types of offense are

**Card Fraudulence:-** using of the someone's card illegally, by stealing the information of the owner.

Delivering phoney messages that appear to be from a reputable source is referred to as "phishing" attacks. Typically, email is utilised for this. Either malware will be installed on the victim's computer, or personal data including login and credit card details will be stolen.

Spamming is the practise of sending the same message to a single user repeatedly for commercial advertising, non-commercial proselytising, or any other illegal reason. The use of messaging platforms to send numerous unsolicited messages to several recipients is also referred as.

Identity theft occurs when someone conducts fraud or another crime using another person's personal information—such as their name, identification number, or credit card number—without that person's permission.

Hacking :- In the context of digital devices like computers, smartphones, tablets, and even entire networks, hacking refers to actions that aim to breach those systems. Even though hacking may not always have malicious intent, in modern times the majority of references to the subject refer to hackers and describe their illegal activity as being carried out by cybercriminals for a variety of reasons, including monetary gain, social protest, information gathering (spying), or even just for the "fun" of the challenge.

Cyber Stalking:- It is the use of electronic communication to track down a person, or persistent attempts to get in touch with a person to foster personal interaction despite a clear indication of disinterest on their part. It also includes monitoring the internet, email, or any other form of electronic communication, which is a crime.

Viruses, Worms, and Trojans:- A computer virus is a programme created to infiltrate computer, harm files and data, and then duplicate itself. Malicious software called worms repeatedly copies itself on local drives, network shares, etc. Viruses are not Trojan horses. It is an evil programme that impersonates a legitimate application. Trojan horses can be just as harmful as viruses despite not replicating themselves. Trojans enable a backdoor entry into a computer, granting hostile users and programmes access to the system and enabling the theft of sensitive data.

Cryptojacking:- Cryptojackers steal bitcoins by using other people's processing power without getting their consent. Unlike cybercriminals who use malware to infiltrate a victim's device and steal data, cryptojackers are not interested in stealing a victim's data. Cryptojackers exploit the computing resources of their victims' equipment. Although it appears to have less of an impact than other cybercrimes, cryptojacking should not be taken lightly because allowing it to succeed might severely slow down a person's device and leave it vulnerable to further hacks.

Inchoate Crimes :-

"Incomplete offences" are what are meant by "inchoate offences." Inchoate literally translates to "underdeveloped" or "unfinished." Due to their participation in the final criminal conduct, these actions do not constitute complete offences. It either facilitates or helps the causation of the actual crime. The two most

crucial elements for crimes are Actus Reus, or the actual commission of the act, and guilty intent to commit a crime. Because they merely meet the mens rea component, inchoate offences are incomplete offences in this regard.

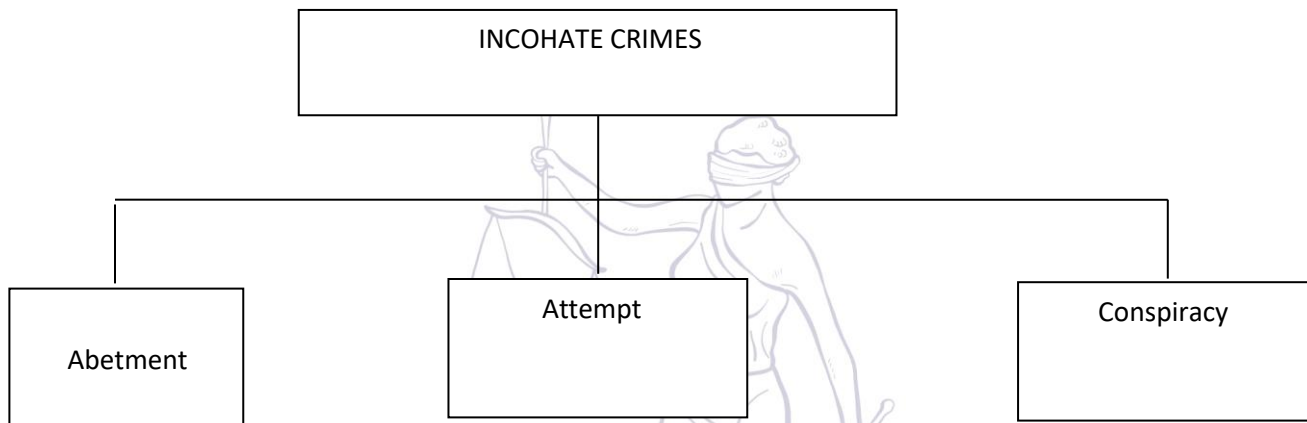


Figure 1.2

Abetment:- This term refers to crimes when the perpetrator, rather than committing the act themselves, induces another person to perform the crime. Chapter V of the Indian Penal Code from 1860 addresses this offence. Sections 107 and 108 of the Indian Penal Code discuss what constitutes abetment. These sections state that anyone who originates, engages in, or assists by any act in the doing of a thing, or abates in doing the thing, is in violation<sup>13</sup>.

The motive behind doing anything is known as mens rea, and it must be present for it to be called an act of abetment. Thus, abetment satisfies both requirements to be classified as a crime.

A person who, via willful deception, incites another person to commit an illegal conduct and joins forces with one or more others in a conspiracy to do so will be held accountable for their actions based on their intentions rather than the act itself.

<sup>13</sup> ibid

### Abetment by Incitement

A circumstance in which someone encourages or facilitates the conduct of a crime. However, it is required to show that the act was purposefully committed by the defendant. Additionally, just because someone is associated with a criminal doesn't necessarily mean they are complicit in the crime.

### Abetment by Conspiracy

Abetment of conspiracy, however, is less serious than criminal conspiracy. A person can only be held accountable for aiding in a conspiracy after the crime has been committed. However, according to INDIAN PENAL CODE Section 120 A, a conspiracy can exist even when just two parties agree to conduct a crime.

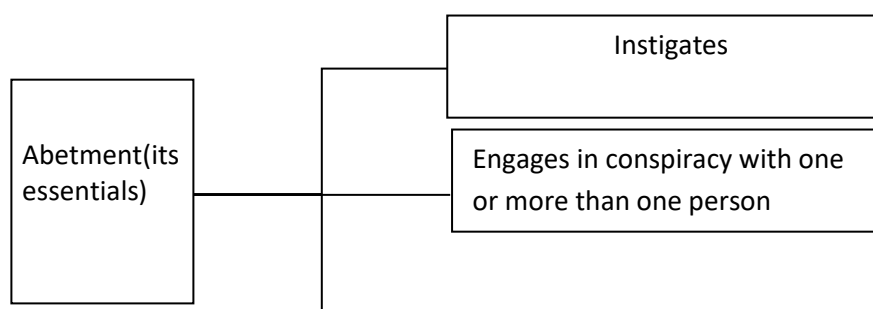
In the Indian Penal Code, 1860, an attempt is not expressly defined. However, attempt to commit an offence is punishable by imprisonment or life in prison, depending on the circumstances, according to chapter XXIII of the INDIAN PENAL CODE.

So, about the third stage, which is the attempt. It simply means to move in the direction of committing the crime after the necessary preparation has been made. On the other hand, the crime is not actually committed. A crime is also an attempt at a crime.

Three approaches are used by the INDIAN PENAL CODE to address the attempt:

In some cases, the attempted as well as the actual commission of the crime fall under the same provision and sentence. For instance, the Sedition clause in Section 124 A of the INDIAN PENAL CODE

Figure 1.3



Intentionally Aids

### Conspiracy

When the two or more people agree to do something wrong and take steps to make it happen, the action is known as a conspiracy. The difference between this and an attempt is that if the crime is performed, a person can be charged with both the actual crime and the conspiracy to commit it<sup>14</sup>.

Sections 120 A and 120 B of Chapter V of the Indian Penal Code defines criminal conspiracy. This states that the act must be performed by two or more individuals and that there must be mutual permission to perform either an illegal act or a legal act unlawfully. This is an inchoate offense because the crime has not yet been fully committed<sup>15</sup>.

Crimes against the State:-

Waging of War :- An attempt to achieve any goal against the public character using violence is referred to as waging war. Such a war breaks out when a number of individuals rise up and band together against the State in an effort to use force and violence to obtain any goal of against the public nature<sup>16</sup>.

Sedition:- The act that creates or even seeks to create animosity toward the Indian government, or stirs up discontent (including feelings of enmity and betrayal)<sup>17</sup>.

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<sup>14</sup> ibid

<sup>15</sup> ibid

<sup>16</sup> ibid

<sup>17</sup> ibid

## General Exceptions

General Exceptions :- Section 76 to 106 of Indian Penal Code defines about the general exceptions.

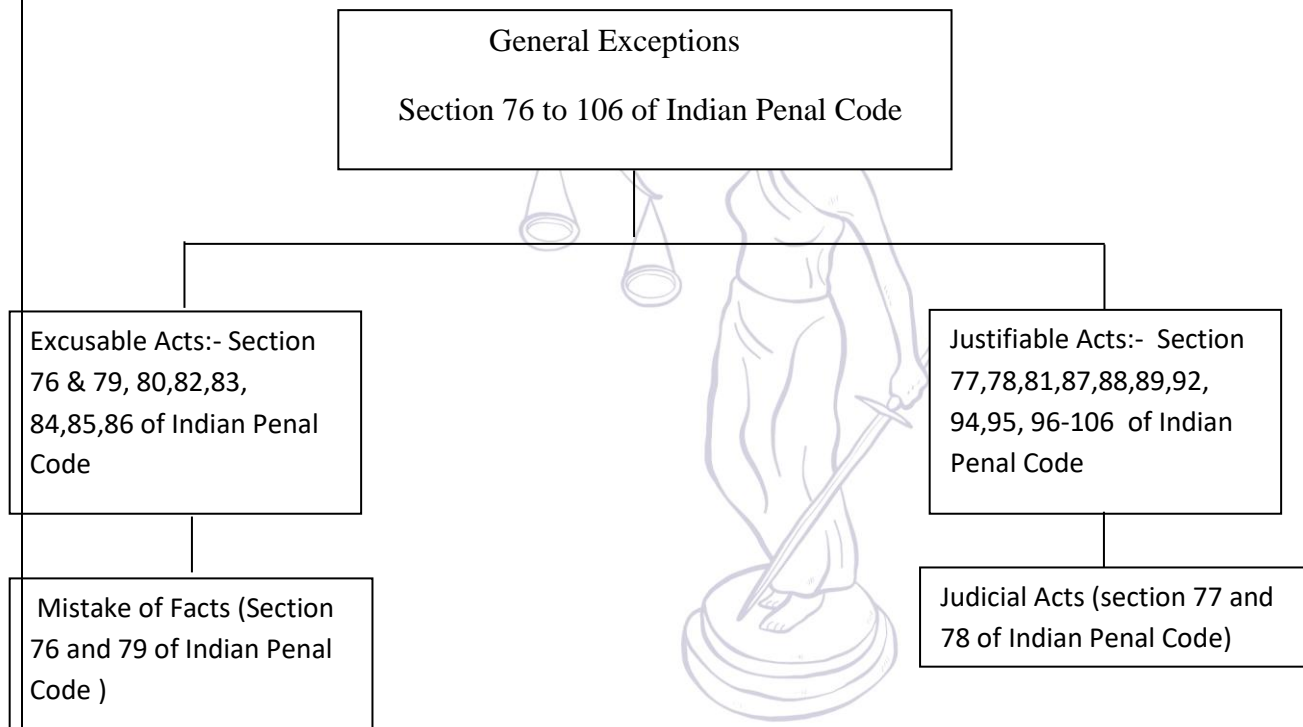


Figure 1.4  
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Chapter 4 of Indian Penal Code deals with the general exceptions.

*Ignorantia Facti Doth Excusat* :- Ignorance of the law is not an excuse - In other words, a defence based on a factual error may be acceptable, but a defence based on a legal error may not. It is expected that everyone is familiar with the laws of the nation in which they dwell.

For Example A, a 17-year-old, went to the wine shop to get some wine. Since A was beyond the legal drinking age of 18 (which is 18 years old), B, the store owner, genuinely thought A was older and had attained the required age limit. B was arrested by a police officer for smuggling wine to the minor, A. Here B may get the defense as he had the factual error regarding the age of A

As another illustration, A takes his Labrador to the park every day so that he can play unrestrained with other dogs. A once momentarily missed seeing his dog. He then turned away from the dog and went home. He realised by the time he came home that he had actually stolen someone else's dog instead of his own when he noticed a mark on the dog. Due to the fact that A can use factual inaccuracy as an excuse, he will not be held responsible in this situation.

Ignorance is not a defence:- Ignorance of the law is not a defence, so a person who breaks the law cannot use that defence to escape punishment. This is in accordance with the maxim ignorance of the law is no excuse.

The maxim "ignorance of the law is no excuse" states that ignorance of the law is not a defence. As a result, someone who breaks the law cannot use this defence to avoid punishment. This idea's underlying presumption that everyone is aware of the law forms its basis. A mistake of law cannot be justified even when it is made in good faith.<sup>18</sup>

Ignorance of the law is not a defence, according to the dictum that "ignorance of the law is no excuse," hence one who violates the law cannot claim that excuse to escape responsibility. The foundation of this principle is the assumption that everyone is aware of the law. As a result, unlike a mistake of truth, a mistake of law cannot be used as an excuse even when made in good faith<sup>19</sup>.

According to Section 76, a person does an act if they mistakenly believe they are legally required to do so will not be considered as an offence .

According to Section 77, an act is one that a judge commits while acting in good faith within the scope of the authority that, in his opinion, the law has granted him will not be considered as offense.

Section 79 can be well understood with the help of the following illustration: A sees Z commit that appears to be a murder . A, in the best as well as in good faith seizes Z, in order to bring Z before the proper authorities . A has committed no offense even though it may turn out that the Z was acting in self defense.

<sup>18</sup> Sofiabambri, *Mistake Of Fact And Mistake Of Law*, S. BHAMBRI & ASSOCIATES (ADVOCATES), May 24, 2021

(<https://www.sbhambriadvocates.com/post/mistake-of-fact-and-mistake-of-law>) ( Last visited on August 11, 2022, 7:00pm)

<sup>19</sup> THE INDIAN PENAL CODE. ACT NO. 45 OF 1860. 1. [6th October, 1860.] (India)

Section 80 can be best understood with the illustration stated under the Indian Penal Code, In a cricket match, a batsman smashes a ball that hits a man in the head and causes his death. Such a fatality was an accident, and the batsman did nothing wrong.

A picks up a gun, points it sportily at B, and pulls the trigger without checking to see if it's loaded. Because A fails to use adequate caution, B dies. A is responsible for the homicide.<sup>20</sup>’

According to Section 81 the act which is done without any criminal intent in order to prevent harm but itself is likely to cause harm will not be considered an offense. This can be best understood with the help of the following illustration

‘During a great fire A, pulls down houses to prevent the spreading of the fire further. Here does not have any criminal intent and has committed the act in a good faith to save from the loss of human life as well as property. Here, A’s act will be excusable as he committed the act to prevent the spreading of the fire.’

Section 82 defines that the act of a child under the age of seven years will not be considered an offense. This section defines the concept of Doli Incapax , the incapability of doing harm or committing any act<sup>21</sup>.

An act committed by a child over the age of seven but under the age of twelve, or if the child lacks the maturity of understanding to judge the nature and consequences of his behaviour on that particular occasion, The act of the insane person will not be regarded as a crime because it was carried out while they were mentally incapacitated or lacking in mental thinking, as stated in section 84 of the Indian Penal Code<sup>22</sup>.

Involuntary intoxication is defined in Section 85 of the Indian Penal Code as an act that is committed by a person while they are incapable of understanding the act's nature or its consequences, provided that the substance that intoxicated them was administered against their will or without their knowledge<sup>23</sup>.

Voluntary intoxication or drunkenness is not a defence for committing an offence, according to Section 86 of the Indian Penal Code.<sup>24</sup>.

Section 87 of Indian Penal Code can understood with the help of illustration ,

‘ A and B agrees to fence with each other for the pleasure. This agreement stats the consent of each party to suffer the injury or the harm during the course of amusement that may be caused without the foul play. If during the amusement , if A playing fairly hurts Z, A commits no offense.’

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<sup>20</sup> Ibid

<sup>21</sup> Ibid

<sup>22</sup> Ibid

<sup>23</sup> Ibid

<sup>24</sup> Ibid

Section 88 of Indian penal code defines that if an act which does intend to death is done by with consent in good faith for persons benefit will not be amount to offense. This can well understood with the help of following

‘ Even knowing that the act is likely to cause death of B , who suffers under the pain, but in good faith as well as with B’ consent the operation is performed by A with no intention to cause B’s death, here A has committed no offense.’

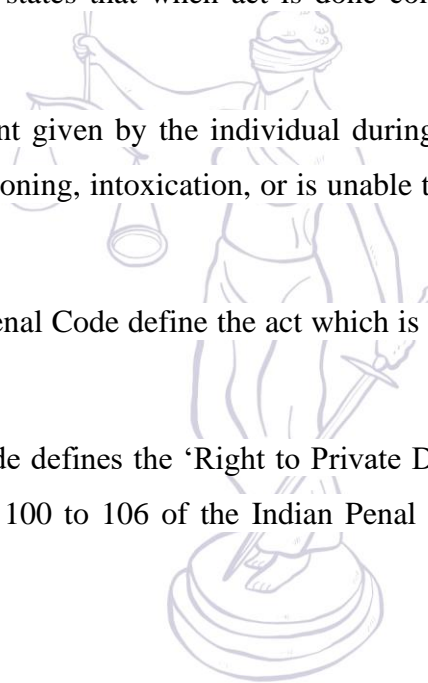
Section 89 of Indian penal code defines that any act which is done in good faith for the child or the insane person by the guardian .

Section 90 of Indian Penal Code states that when act is done consent which was given under the fear or misconception of fact.

Consent of insane person:- consent given by the individual during the time when he or she was suffering from incapacitation of mental reasoning, intoxication, or is unable to understand the nature and consequence of that.

Section 92 and 93 of the Indian Penal Code define the act which is done in good faith without the consent of the person

96 to 106 of the Indian Penal Code defines the ‘Right to Private Defense’ and also about the Proportionate Defense. Especially from section 100 to 106 of the Indian Penal Code defines about the Proportionate of defense<sup>25</sup>.



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<sup>25</sup> ibid

## CONCLUSION

Crimes refers to an act that causes misbalance in the society. The commission of the crime is very common . The origins of crime in society are very difficult to be traced out. Criminal psychology and criminology studies link crime to the basic makeup of the human psyche. But in today's society, it is crucial to punish individuals who carry out horrible crimes since they violate others' rights and neglect their own obligations. The protection of each person's rights—the cornerstone of contemporary democracy—requires the prevention of crimes<sup>26</sup>.

In present times, nobody is safe. The population of criminals is the highest number in the world, and the graph of criminal activities are increasing globally nowadays with a greater speed. Due to advances in science and technology, criminals are now adopting scientific methods to carry out their crimes, which has left the police perplexed<sup>27</sup>.

The continual and ongoing activities of criminals undermine the serenity and pleasure of society.

There are certain recognized behavioral patterns that have been endorsed by the culture and society in every society. A number of rules, laws, and regulations have been established to help people live peacefully and in accordance with accepted behavioral patterns<sup>28</sup>.

Surveillance:- Police surveillance is another effective method of crime prevention. This method will act as deterrence in the minds of criminals from the commission of the crime. The authorities by keeping an eye on them and always being present can prevent the origination of the crime, with the help of which crime prevention can take place with the help of surveillance. However, if a crime occurs, it can aid the police by providing information for an investigation and/or alerting them that a crime has occurred. With the help of

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<sup>26</sup>Monisha Goyal, *Essay on Crime in India*, <https://www.indiaessays.com/essays/india/crime/essay-on-crime-in-india/1098> (last visited on 7th August 2022, 8:00pm)

<sup>27</sup> ibid

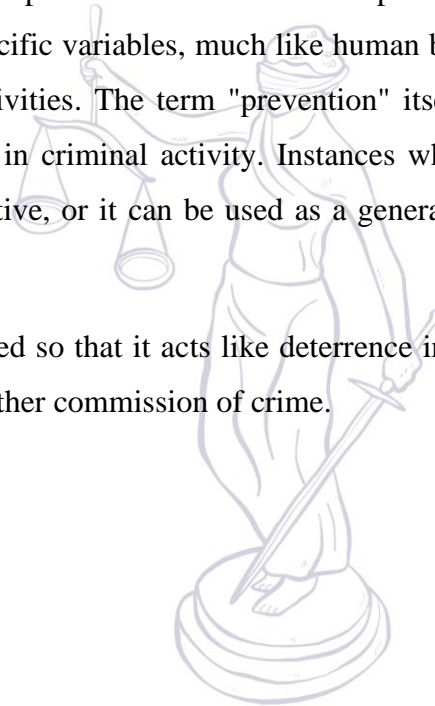
<sup>28</sup> ibid

the CCTV is the most effective surveillance method, and it can be used for prosecution because it can be used as evidence in a criminal case.<sup>29</sup>

**Analysis of Crime :-** Crime analysis is the study of police-recorded crime statistics. Because it would reveal the "pattern" by which a crime is occurring, crime analysis can be useful in preventing crime. The next step of a potential criminal can be predicted by police. Basic crime statistics calculations are part of crime analysis, and they should be represented geographically. To do this, mapping software is employed. In terms of police departments, particularly those in areas with high populations, the use of crime mapping and data geo coding is fairly widespread<sup>30</sup>.

**Corrective Prevention :-**Corrective prevention is a method of prevention that is predicated on the idea that criminal conduct results from specific variables, much like human behaviour, and that this behaviour leads a person to engage in criminal activities. The term "prevention" itself refers to eliminating the triggers and contributing variables that result in criminal activity. Instances where criminal activity is foreseen can be addressed with corrective preventive, or it can be used as a general precaution for the benefit of the entire community<sup>31</sup>.

Strict Laws should be implemented so that it acts like deterrence in the minds of the like-minded people in the society or preventing from further commission of crime.



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<sup>29</sup> Rupal Mathur, *Crime Prevention*, INDIAN LAW PORTAL, (JULY 14, 2020) <https://indianlawportal.co.in/crime-prevention/>, (last visited 10<sup>th</sup> august 2022, 6:53pm)

<sup>30</sup> *ibid*

<sup>31</sup> *ibid*