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DIFFERENTIATION OF THEORY: CULPABLE HOMICIDE VS MURDER

INTRODUCTION

The Indian Penal Code (IPC) enacted in 1860 constitutes the base of criminal law in India, providing a framework within which offenses involving the taking of human life are categorized. Culpable homicide and murder are offenses that are often thought to be similar to each other but they differ significantly in terms of the offender's intention and knowledge. These distinctions play a crucial role in determining the charges and subsequent punishments and in ensuring that justice is served in cases involving loss of life. The IPC, under Sections 299 and 300, delineates the legal definitions and guidelines for determining whether an act constitutes culpable homicide or murder respectively.

UNDERSTANDING THE ASPECTS OF INTENTION AND KNOWLEDGE WHILE COMMITTING CULPABLE HOMICIDE AND MURDER

1. INTENTION

The existence or absence of explicit intent to cause death is one of the main distinctions between culpable homicide and murder as well as the precise aggravating circumstances that raise the offense to murder.¹ The intention to cause death may be present or absent in culpable homicide, with the perpetrator simply having awareness that their act is likely to cause death. Murder always involves the motive to cause death. When we read the word "likely," which signifies one probability that it may or may not cause death, in section 299, it reveals the degree of guilt. It is a component that draws attention to the fact that there is uncertainty regarding whether the accused's alleged deed killed the deceased or not. While there is no room for ambiguity on the part of the accused in murder as defined by section 300 of the IPC, the accused is certain that his act would undoubtedly result in death.²

¹ M Samriddhi, 'IPC Notes- Culpable Homicide and Murder' (*CLATologue*, 27 April 2023) <<https://lawtopus.com/clatalogue/clat-pg/ipc-notes-culpable-homicide-and-murder/>> accessed 27 October 2023

² Dutta GK, 'Difference between Murder and Culpable Homicide' (*Finology Blog - Latest Updates & News on Current Affairs and Laws in India*, 24 December 2022) accessed 27 October 2023

The term 'likely' in Section 299(b) refers to a simple possibility or likelihood that the harm may result in death. However, the word 'likely' in clause (2) of Section 300 conveys, to some extent, death certainty. This is explained in illustration (b) in Section 300. It implies that the accused has some unique knowledge of the deceased's state, such as any ailment he may be suffering from, and that this information adds certainty to the fact that the bodily damage would result in death. The difference between the meanings of the words 'likely' in Sections 299(b) and 300(2) is the degree of likelihood.

In the case of clause (3) of Section 300, the purpose to inflict bodily damage is accompanied by the certainty that such physical injury is sufficient to cause death in the regular course of nature. The word 'sufficient' like the phrase 'likely' in Section 299, imputes the certainty of death to a higher extent (b). Thus, under Section 299(b), the bodily injury caused is less likely to result in death, whereas under Section 300(2) and (3), the bodily injury caused is more likely to result in death.³

2. KNOWLEDGE

Sections 299(c) and 300(4) deal with situations in which the accused has information that the act is likely to result in death. The need for knowledge under section 300(4) is a very high degree of risk of death, similar to the preceding Sections. This high probability of death is indicated in the clause's final Section, which states that the act must be so immediately dangerous that it will almost certainly result in death or bodily injury that is likely to result in death, and that the act must be performed without any justification for taking the risk. Both clause (c) of Section 299 and clause (4) of 300 apply to circumstances in which the accused has no intention of causing death or bodily damage but is aware that the act is dangerous. The degree of risk to human life determines whether the conduct is murder or culpable homicide. It is culpable homicide if death is a potential outcome; it is murder if death is the most likely outcome.

A motive causes a man to form an intention whereas understanding the effects of one's actions is known as knowledge. Although the distinction between knowledge and intention is tenuous, it is clear that they signify different things.

Intention and knowledge have a fair play here and mens rea comes into action. When the degree of mens rea is the highest intention, the state of the guilty mind is at its highest.⁴ While knowledge, the degree of mens rea or guilty mind is relatively lesser. The difference between these two offenses is a difference of degree and not of form. The degree of intention or knowledge determines the nature of the offense, whether it is murder or culpable homicide.⁵

³ Banerjee S, 'Difference between Culpable Homicide and Murder' (*iPleaders*, 6 March 2022) accessed 27 October 2023

⁴ Chaudhary A, 'Indian Penal Code- Comparative Study of Culpab - the Law Journal Website: Corpusjuris.Co Indian' (*Studocu*) accessed 27 October 2023

⁵ Neha, 'Culpable Homicide versus Murder' (*Legal Service India - Law, Lawyers and Legal Resources*) accessed 27 October 2023

CONCLUSION

The distinction between culpable homicide and murder holds profound legal, practical, and societal implications. These distinctions, rooted in the concepts of intent and knowledge, play a pivotal role in determining the severity of punishment and, in turn, the pursuit of justice within the Indian legal system. Legal experts and the general public need to grasp these nuances to ensure that justice is served, particularly in cases involving the loss of life. The Indian legal system, while providing a framework for these distinctions, also emphasizes a humanitarian approach to sentencing, which considers the individual circumstances of each case.

This discretionary approach allows for a nuanced and empathetic response to the unique complexities of each case, preserving the integrity of the legal system and upholding principles of proportionality and fairness. The intersection of mens rea, is central to these distinctions, underlining the importance of intention and knowledge in criminal law.

The severity of punishment attached to these distinctions serves as both a means of deterrence and a safeguard for public safety. The ability of the courts to exercise discretion and carefully consider the facts and circumstances of each case is a testament to the adaptability and fairness of the Indian legal system. As society evolves, so must the law, and these distinctions reflect a commitment to justice, individual rights, and the protection of the broader social order.