

CLAT 2019

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# Law of Crimes

Session 3 : IPC & CrPC,  
Difference Between Bailable vs Non-Bailable,  
Cognizable vs Non-Cognizable,  
Compounded vs Non-Compounded Offences

Law of Crimes

## 4

**Indian Penal Code, 1860**

- The Indian Penal Code was passed in 1860 and came into force in 1862.
- It is the main criminal code in India.
- It was drafted after consulting various existent criminal codes in the world such as the French Penal Code as well as the Code of Louisiana in the US.
- It is uniformly applicable in all the states of the country except Jammu and Kashmir where, due to the special constitutional status of that state, a separate Penal Code called is in operation.
- The Indian Penal Code is divided into twenty three chapters, comprising over 500 sections.

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## Indian Penal Code, 1860

Broad classification of crimes under the Indian Penal Code (IPC)

Crimes Against Body	Murder, Culpable Homicide not amounting to Murder, Kidnapping & Abduction, Assault etc.
Crimes Against Property	Dacoity, Robbery, Burglary, Theft
Crimes Against Public order	Riots, Arson
Economic Crimes	Cheating, Counterfeiting
Crimes Against Women	Rape, Dowry Death, Cruelty by Husband and Relatives, Molestation, Sexual harassment and Importation of Girls
Crimes Against Children	Child Rape, Kidnapping & Abduction of Children, Selling/Buying of girls for Prostitution, Abetment to Suicide, Infanticide, Foeticide;
Other IPC crimes	

## 4

**Indian Penal Code, 1860**

- In addition to the IPC, other special legislations such as the Information Technology Act, the Prevention of Corruption Act, etc. also help in classifying and punishing criminal acts.
- Note, however, that this definition only tells us what the offence is. It does not tell us about what we should do if someone has stolen our property, or to whom should we complain to? What can the police do?
- IPC deals only with substantive criminal law and not with procedural criminal law. These procedures are set forth in detail in the Criminal Procedure Code. Let's look briefly at what this code deals with?

## 5

**Criminal Procedure Code, 1973 (CrPC)**

- The object of the Criminal Procedure Code is to provide a mechanism for the investigation and trial of offenders.
- It lays down the rules for conduct of investigation into offences by the police proceedings in court against any person who has committed an offence under any Criminal law, whether it is IPC or a 'Crime' classified under any other law.
- All such offences are covered by CrPC which are mentioned in Indian Penal Code.
- The procedure of initiating proceeding/prosecution for a criminal offence is provided in Criminal Procedure Code (CrPC).
- CrPC provides the manner and place, where investigation inquiry and trial of an offence shall take place.

## 5

**Criminal Procedure Code, 1973 (CrPC)****Bailable Offence**

- In certain minor offences, it is the right of the accused to obtain bail while the trial is pending.
- Bail is Norm & Jail is an exception
- Example: Wearing soldier's garb, sailor, airman - Punishment for unlawful assembly- Threatening any person to give false evidence

**Non-Bailable Offense**

- There are more serious offences where the accused do not have a right to obtain bail;
- In such cases, bail can be granted only on the court's discretion.
- Example: Counterfeiting of government stamp- Sedition- Waging or attempting to wage war, or abetting the waging of war, against the Government of India

## 5

**Criminal Procedure Code, 1973 (CrPC)****Cognizable offences**

- Certain offences are so serious that any police officer can investigate and arrest an accused person without obtaining a warrant from a court.
- For example, **Murder, Rape, Dowry Death, Kidnapping, Theft, Criminal Breach of Trust, Unnatural Offences.**

**Non-cognizable offences**

- Non-Cognizable offences are those which are not serious in nature.
- A police officer has no authority to arrest without a warrant.
- the police officer cannot receive or record the FIR unless he obtains prior permission from the Magistrate.
- Example- **Assault, Cheating, Forgery, Defamation.**

## 5

**Criminal Procedure Code, 1973 (CrPC)****Compoundable offences**

- Compoundable offences are those offences where, the complainant (one who has filed the case, i.e. the victim), enter into a compromise, and agrees to have the charges dropped against the accused.
- However, such a compromise, should be a "Bonafide," and not for any consideration to which the complainant is not entitled to.
- The most common example of this is where you get caught without a ticket on a bus or a train and have to pay a fine

**Non-compoundable offences**

- There are some offences, which cannot be compounded.
- They can only be quashed.
- The reason for this is, because the nature of offence is so grave and criminal, that the Accused cannot be allowed to go scot-free.
- In these types of cases generally, it is the "state", i.e. police, who has filed the case, and hence the question of complainant entering into compromise does not arise.



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