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# Stages Of Crime Under Ipc 1860

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## ABSTRACT

A human being's only two options in India are to survive and obey the law. Various factors such as gender, age, birth place, language, etc. India's culture is one of the world's oldest, dating back to the third millennium BCE. The cultural, philosophical, religious, sociological, and linguistic diversity of India is enormous. No one can deny the obvious: we require a society free of violence, and the only way to achieve that goal is to keep crime under control. Even while we may not be able to completely eliminate crime from our society, we are continually striving to make it less of a problem. Only when the state enforces law and order with extreme rigour can people be free from terror and crime. Maintaining order in society is made easier by a robust and effective penal code. Several critical phases are encompassed by the term "crime." Under the Indian Penal Code 1860, the article explains the many stages of a crime in great detail.

**KEYWORDS:** Crime - I.P.C. 1860 – Law and Order – Stages of Crime

## INTRODUCTION

Criminal law is a set of laws and statutes that provide penalties for behaviors that are prohibited by the state because they endanger or harm the public's safety and well-being. Criminal law is distinct from civil law, which places a greater emphasis on resolving disputes rather than punishing those who break the law.

Criminal law is a broad word that encompasses both procedural and substantive criminal legislation. Criminal laws that have substance are those that specify what constitutes a crime and how it should be punished. Criminal Procedure, on the other hand, explains how criminal laws are implemented. The legislation outlawing murder, for example, is an example of a substantive criminal statute. When it comes to enforcing this law, it's generally considered a procedural concern how the state does so.

An individual, property, and society can all be negatively impacted by an illegal conduct if it is defined as criminal. Public safety and wellbeing are threatened and harmed by criminal activity. A major distinction between criminal and civil law is that the latter focuses more on finding a remedy than on punishing the wrongdoer.

## **LITERATURE REVIEW**

**Gargi Mishra (2021)** An act that is detrimental to society, or omission of an act that is detrimental to the lives and property of those in the society, is considered a crime in simple terms. It is illegal to commit such a crime.

People can be penalised for criminal acts according to Merriam-Webster definition. There are different crimes present in the society from basic robbery to horrible, inhumane crime like rape, murder, dacoity and the list goes on and on. To sum it up, there are four stages to committing a crime: planning, preparation, attempt, and completion. A person who is suspected of committing a crime must go through all four steps before a decision can be made.

**Ankita Chakraborty & Dipa Dube (2019)** 'With Satyameva Jayate, the Indian philosophy of truth is elevated to the pinnacle of importance. As such, when justice is thwarted, truth is also thwarted in the eyes of the average person. Truth, not acquittal or conviction, was the ultimate goal of the Mali math Committee in its 2003 report on reforms in the criminal justice system. The Committee reaffirmed that "the Judge is not interested with the truth; he is simply concerned with the proof" in reference to Dr. R. Venkataraman, the former President of India. The law of evidence plainly states that evidence can be proven, disproved, or unproved. Or, to put it another way, evidence must be presented to a court, which then decides whether or not the facts proved by that evidence have been established. Conviction is maintained only if the Court is satisfied to the point of 'beyond reasonable doubt,' whereas acquittal is maintained in all other situations.

**Ms. Aanchal Dalal (2020)** the focus of this study is not to determine whether or whether the Supreme Court's approach to constructing a notion of an enlarged sentencing option in specific situations is correct. Using the concept of enlarged sentencing options, this study makes a sincere Endeavour to better comprehend its origins, nature, scope, and implementation. As far as we know, the Humble Supreme Court's Constitution Bench has endorsed the concept of extended sentencing options, which allows a convict to be sentenced to life in prison with no possibility of parole or parole with conditions set by the court. This paper will

focus on a particular provision before moving on to more general considerations of the idea.

**Harshita Gulati (2021)** the term "crime" refers to any human activity that is viewed as detrimental to the common good. If a public law is either prohibiting or demanding an action, then it becomes a crime, says Blackstone. The goal of criminal law is to express a public censure of wrongdoing and to deter future wrongdoing by the imposition of sanctions. A crime is not defined in the Indian Penal Code (IPC). "An offence" is defined in Section 40 of the IPC to mean "anything made criminal by law." Generally speaking, there are four steps to any crime. When a criminal first considers committing a crime, the first stage is completed. The second step is where he gets everything ready to go ahead and do it. Third, he tries to commit the crime. If the third stage is a success, the actual act of committing the crime will be carried out.

**Jus Mundi(2020)** Committing a crime begins with what is essentially a mental act. People may express ideas that are against the rules of morality and the law, but they cannot be prosecuted if they do not act on them or encourage others to act in accordance with such ideas. Only if the intent to commit a crime is made known to others, either by words or actions, is the crime criminal.

#### **STAGES OF CRIME UNDER THE I.P.C. 1860**

*"Where there is no will to commit an offence,  
There can be no just reason to incur the penalty".  
- Sir Mathew Hale. [History of Pleas of the Crown]*

Lawbreakers commit crimes when they engage in conduct that is prohibited by law. A crime is not only bad to the individual, but it is also harmful to the community, the neighborhood, and the specific place in which it is committed. The most common motivations for criminal behavior include: vengeance, rage, jealousy, or pride. The word "criminal law" often refers to substantive criminal law, which encompasses a wide range of offences. Defining substantive criminal law and prescribing punishment in great detail. A crime is defined by Blackstone as a violation of a public law either forbidding or commanding it, as defined by Blackstone's definition. When we commit a crime, it is the result of our own free will and decision. The action should be voluntary. As a child, "I didn't mean to..." is a common refrain, and it serves as a reminder of human nature. This sentence has been spoken by everyone in some way. *Menes Rea* is also reflected in the concept of this statement. The repercussions of a person's wrongdoing, whether done accidentally or negligently, were all *prima facie* his responsibility.

The Latin maxim, *actus non facit reum, nisi mens sit rea*, indicates that the rule is not absolute and that there are exceptions to this rule. Bishop claims that "there can be no crime, huge or small, without an evil mind.... A fundamental of

our legal system, as well as most others, holds that the core of an offence is the improper purpose 4, without which the offence does not exist. 4

### **STAGES OF CRIME**

1. Intention (means area)
2. Preparation
3. Attempt
4. Injury (s-44 of ipc)

### **INTENTION (MENS REA)**

Rea is short for "evil mind" or "evil will." Most of the time, when we go about our everyday routines, we are likely to entertain thoughts of doing something bad. The thought of hitting him once and killing him occurs to us from time to time. This is an antisocial crime, and we must punish him for it. Punishment is part of the judiciary, even if we sometimes follow our dreaming judiciary and pronounce one-sided judgments against anyone, and so we give them dreamy punishment. We know this. In this context, I'm implying that our minds are always filled with thoughts of guilt, yet we're unlikely to be punished for them.

### **PREPARATION**

The Means Rea places a high value on preparation. According to the Oxford English Dictionary, "preparation" is defined as "to plan, organize, or implement the crime." This is where the offence begins, and we are punished as a result. Preparation for an offence does not have to be an offence in general, but certain acts are de facto crimes even if they could be considered preparation for an offence of that kind. As an example, under Section 122 of the Indian Penal Code (I.P.C.), a person can be charged with gathering men, arms and ammunition to prepare for war against the government of India; under Section 126, a person can be charged for committing depredations on territories of any power in alliance or at peace with India; under Sections 233, 235 and 257, a person can be charged with making or selling or being in possession of an instrument for counterfeiting coins or government stamps; and under Sections 242, 243, 259 and 262, a person can be charged with possessing counted currency.

- Section 122 of the Indian Penal Code (IPC) criminalizes planning to wage war against the government.
- Section 126 of the Indian Penal Code 1860 - Preparation to commit depredation on the territories of a power at peace with the Government of India;
- Intent to commit dacoit- Section 399 of the Indian Penal Code (IPC) 1860;
- Preparation for counterfeiting of coins or Government stamps- Sections 233-235, S. 255 and S. 257;

- Forgery of documents and counterfeit coins are among the offences that can lead to a prison sentence. Sections 242, 243, 259, 266, and 474 prohibit the mere possession of these as a crime, and no one can claim that they are still in the process of preparation.

### **ATTEMPT**

It is the third stage of criminal activity, known as a 'attempt'. It's also called a 'Preliminary Crime,' which is a more formal term. Once all essential preparations have been done, an attempt can be defined as "the direct step toward committing a crime." in the case of State of Maharashtra vs. Mohd. Yakub (1980) 3SCC 57, 1980 SCC need the term 'attempt' is a [cri.]513], the Humble Supreme Court stated that an attempt to be useless. When the perpetrator takes purposeful, overt actions to conduct the crime, it is considered an attempt. This does not necessarily have to be the final deed.

- Guilty intention to commit an offence;
- Some act done towards the commission of the offence;
- The act must fall short of the completed offence.

### **Attempt under the Indian Penal Code, 1860- The Indian Penal Code has dealt with attempt in the following four different ways-**

- A single section has been established for both completed offences and attempted offences, with the same sentence being applied to both. Those provisions can be found in Sections 121-460, in addition to Sections 124, 124-A, 121, 124, 124, 121, 121, 121-A, 130, 130-A, 131, 152, 153, 161, 162, 163, 165 and Sections 196, 198, 200, 213, 240, 241, 251 and Sections 385-387-389.
- The second point is that efforts to commit offences and the actual commission of specific offences have been dealt with separately, and sanctions for both have been specified. Examples include murder, culpable homicide, robbery, and attempted robbery.
- Section 309 of the Penal Code makes it a crime to attempt suicide;
- Section 511 governs all other cases where no attempt is made, and it states that the accused will be punished with one-half of the longest term of imprisonment permitted for the offence or with a prescribed fine, or both.

### **INJURY**

As the name implies, the 'Injury' to another person or to society as a whole is the fourth essential element of criminal activity. A person can only be injured in this way if they are the victim of some sort of crime. 'Injury' is defined in Section 44 of the Indian Penal Code as "any hurt whatever illegally caused to any person in body, mind, reputation, or property". As a result, the term 'injury' is broad enough to embrace any and all injuries that result from tortuous conduct. In

India, the Indian Penal Code has three sections specifically dealing with the threat of injury — Section 189- Threat of injury to public servant, Section 190- Threat of injury to induce a person to refrain from applying for protection from a public servant, and Section 385- Putting a person in fear of injury in order to commit extortion.

## **FUNDAMENTAL ELEMENTS OF A CRIME**

Prosecutors must prove beyond a reasonable doubt the elements of criminality in order to establish criminal responsibility. Generally speaking, there are four main components of a crime:

### **1) Human being: Section 11**

During the ancient ages when criminal law was greatly influenced by the ritter bit theory, which specified that a person must commit an unlawful act to meet the first element of a crime, animals were punished for injury they caused. Non-living things and animals are no longer included in the definition of a person or human being as a result of this. A horse was killed because it kicked another gentleman in the head, but according to Indian Penal Code, animals aren't responsible for injuries they cause; instead, it's their owners who are held liable and punished for crimes committed by their animals. "Person" is defined in Section 11 of Indian Penal Code, which refers to a group of people regardless of their legal status. A person is a person, whether it's a legal or fictitious one. As a legal entity, he isn't a human being, but rather a company that was created by law. Even though it isn't technically a separate legal entity, it has its own distinct legal identity and obligations.

### **2) Mens rea or Guilty intention**

Acts Non-Facet Ream Nisi Menes Sit Rea is the source of the second ingredient. There are two components to this adage. To begin with:

- a) mens rea (guilty mind);
- b) Acts Reus( guilty act ).

In other words, a crime is committed when a person has the desire to commit a crime and then does the act. In criminal proceedings, no one can be punished unless it can be proven that he or she has a guilty mind. An element of mens rea can be described in numerous ways, including the following: guilty or wrongful purpose; a criminal intent; guilty knowledge and willfulness all fall under the umbrella of the term mens rea.

Both motivation and intent are critical in the subject of law and justice, and it's crucial to remember this. It's also common to see them used to prove or disprove a certain case or crime To prove criminal culpability, a criminal must have a nefarious motive and a nefarious purpose.

### **3) Acts Reus or illegal Act or omission**

It is the Latin term used to describe a criminal Activity. It is commonly defined as a criminal activity that was the result of voluntarily bodily movement. This describes a physical Activity that harms another person or damages property. In other words, due to guilty or wrongful intention, some overact or illegal omission must take place. There are two types of Altus Reus first is commission and the second one is an omission. The commission is as a criminal activity that was the result of voluntarily body movement. This describes a physical Activity that harms a person or property. Against human body includes physical assault, murder, hurt, grievance, hurt etc & property includes theft, dacoit, extortion etc. The omission is another form of Altusrues as an Act of criminal negligence. An omission could be falling to warn others that you have created a dangerous situation, for e.g. Not feeling an infant who has been left in your care or not completing a work-related task which resulted in an accident.

### **4) Injury under Section 44**

A damage to another individual or to society as a whole is the fourth criterion of a crime. Indian Penal Code, 1860 Section 44 defines injury as any harm to a person's body, mind, reputation or property that is done in an unauthorized manner. Defendants must be convicted if the elements of crime can be established. In criminal statutes or proceedings in states that allow for common law offences, criminal components are defined.

### **CONCLUSION**

In layman's terms, Menes Rea's premise is that every person has authority over his or her own actions, and he or she can decide whether or not his or her actions infringe the law. According to US Chief Justice John Biggs "The concept of Menes Rea, guilty mind, is predicated on the notion that people have the capacity to govern their behavior and to choose between different courses of conduct. In order to sustain and administer social restrictions, it is vital to retain this premise, even though it is not unchallenged by theologians, philosophers and scientists. Because of this, society is able to impose responsibilities and create liabilities aimed to protect both people and property from harm. In essence, these responsibilities are designed to restrict and prevent socially destructive behavior by working on people's inherent capacity to choose and regulate their own actions. It is criminal law when a person who is capable of making their own decisions is punished for breaking a duty of this nature."

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