

Law is an intentional
act or omission



Law of crime is as old as civilisation itself. Wherever people organised themselves into groups or associations the need for some sort of rules to regulate the behaviour of members inter se was felt inevitable in smooth running of group or society. The crime may be described as an act committed or omitted in violation of public law forbidding or commanding it.

In other words ' crime is an intentional act or omission in violation of criminal law (statutory and case-law), committed without defence or justification, and sanctioned by the State as a felony or misdemeanor.' We can arrive at a workable definition of the word " crime" in various ways, namely, the object for which certain acts are considered ' crimes' or as those acts which are classed as crimes in some Code of crimes enacted by the State or placed under the category of crimes by the sovereign. As we are studying the Indian law of crimes as contained in the Indian Penal Code, we must first of all know what does the Code say about those acts which are crime.

Section 40 of the Code says that ". The word ' offence' denotes a thing made punishable by this Code". This would be the simplest definition provided, however, there is codified law of crimes, which in our case is true. Though, this definition would be practical for all purposes as we are concerned to know as to what acts are crimes and what is the punishment prescribed for them, yet it fails to give us any idea as to the juristic concept of crime.

Thus, we have to turn to the various attempts made by jurists to define the word " crime". Blackstone views crimes as public wrongs affecting the entire community and on this basis define crime as " an act committed in violation of a public law forbidding or commanding it". Afterwards Blackstone making

an improvement has given another definition, namely, “ crime is a violation of public rights and justices due to the whole community considered as a community”. Stephen defines a crime as “ violation of a right considered in reference to the evil tendency of such violation as regards the community at large”. Kenny as approved by Austin defines crimes thus: “ Crimes are wrongs whose sanction is punitive and is in no way remissible by any private person, but is remissible by the crown alone if remissible at all”. According to Keeton, “ A crime today would seem to be any undesirable act, which the State finds it most convenient to correct by the institution of proceedings for the infliction of a penalty, instead of leaving the remedy to the discretion of some injured person”. Paton while defining crime also asserts that in “ crime we find that the normal marks are that the State has power to control the procedure to remit the penalty or to inflict punishment”. According to Austin, “ A wrong which is pursued at the discretion of the injured party and his representatives in a civil injury, a wrong which is pursued by the sovereign or his subordinate is a crime”.

In the opinion of Austin, in case of civil wrong the State does not interfere until the proceedings of wrong was initiated by the injured party. On the other hand, in criminal wrongs the proceedings can be instituted by the sovereign or his subordinates alone. Having gone through the various definitions, it is clear that chief elements of crime are: (1) A man is under a legal obligation to act in one way. (2) That man has an ill motive and he acts in furtherance thereof.

(3) That act results in injury to another man or to society.