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Before taking up the various words indicative of mens rea present in the Code and investigate as to how they import the guilty state of mind and form an important ingredient in the commission of the offence, some fundamental expressions frequently used in criminal law may be seen.

Volition, will, motive and intention: Austin says, " Bodily movements obey wills. They move when we will they should. The wish is volition and the consequent movements are acts. Besides the volition and act, it is supposed there is a will which is the author of both. The desire is called an act of the will, when I will a movement I wish it, and when I conceive the wish I expect that the movement wished will follow. The wishes followed by the act wished, are only wishes which attain their ends without external means.

Our desires of acts which immediately follow our desires of them are volitions. The act I will the consequence I intend. This imaginary will is determined to action by motives". Now we may turn to the expressions used in the Indian Penal Code which are indicative of mens rea. Voluntarily: Section 39 of the Code lays down that " A person is said to cause an effect voluntarily when he causes it by means whereby he intended to cause it or by means which at the time of employing those means, he knew or had reason to believe to be likely to cause it". According to this definition it contemplates three states of mind: (i) doing the act with the intention that it shall cause the effect, (ii) doing the act with the knowledge that the act would cause the effect, and (iii) doing the act with a reasonable belief that it would cause the effect.

Intentionally: So far intention is concerned according to Shamshul Huda “ Intention being purely a state of mind is ascertainable generally from the act itself and due to this reason knowledge or reasonable grounds of belief should in most cases supply the place of intention.” Knowledge: Where the inferences invariably lead to a particular consequence with a degree of certainty, it is knowledge. Reason to believe: Section 26 of the Code defines as to what is reasonable belief. It says: “ A person is said to have reason to believe a thing if he has sufficient cause to believe that thing but not otherwise”. Fraudulently and Dishonestly: Section 25 of the Code defines the word “ fraudulently”. It says that, “ A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise”. Shamshul Huda has correctly given the meaning of the word “ fraudulently” as including besides deception an intention to injure. The elements are necessary to constitute a crime followed by fraudulently or dishonestly as :

(i) Deceit or an intention to deceive or in some cases mere secrecy; (ii) Either actual Injury or possible injury which is intended must be serious.

The word “ dishonestly”, on the other hand, has been defined in Section 24 of the Code. It says, that, whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing dishonestly. Mayne, explaining the meaning of the word says: “ It is sufficient to show an intention to take dishonestly the property out of any person’s possession without his consent and that it was moved for that purpose.”