

In principle governing
section 301 is called



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In other words, the law does not make any distinction between cases where death of the person intended to be caused is caused or intentional death of any other person results. Similarly, this provision does not distinguish between a case where death of a particular person has been caused with the knowledge of such consequences and death of any unknown person is caused with the knowledge of likelihood of death. Since sections 299 and 300 nowhere state that the intention to cause death or bodily injury or knowledge of the consequences of an act must be with respect to a particular specific person, it is clear that these are with respect to any human being.

Consequently, section 301 was not needed to be enacted at all. But the same has in fact been enacted shows that it is a measure of abundant caution which removes any iota of ambiguity which may creep up in anybody's mind. The principle governing section 301 is called principle of transferred intention or transferred knowledge, as the case may be, or is sometimes known as doctrine of transfer of malice or transmigration of motive. According to this section therefore, if A attacks with the intention of causing his death but kills Ñ instead, A is liable for the same offence which he would be, that is murder under clause 1 of section 300, if he had killed . Similarly, liability for causing death based on intention to cause bodily injury, that is where clause 2 of section 299 or clause 2 or clause 3 of section 300 is applicable remains even if such intention was with respect to but instead Ñ is killed. The same principle is applicable in knowledge cases also, that is where clause 3 of section 299 or clause 4 of section 300 is applicable, and A would be liable the same way even if his specific knowledge of his act is

towards but Ñ instead is killed. Where the accused reached the intended victim's house with the intention to kill him but the intended victim went into hiding in some other place and the accused chased him there and fired at the house where he had gone in, killing the housewife in the process, this section was held to be applicable and he was held guilty of murder and attempted murder.

Where the accused fired at his intended victim with the intention of killing him as he had criticised accused's father at a school committee meeting, but killed his own maternal uncle in the process as he had come in between at that very moment when he fired the shot, it was held that the accused was guilty of murder and this section would apply. Where a married woman had illicit intimacy with a man who gave her poison to mix in her husband's food with a view to kill him, and she prepared sweets and mixed the same in it and her husband and four others ate the sweets and one of them died, it was held that this section would apply and she was guilty of murder. Where the accused intended to cause death of a person on whose life he had effected insurance and gave him sweets mixed with poison some of which the intended victim ate but threw away the rest which was picked up without knowledge of the accused by the daughter of the accused's brother-in-law who ate some part of it and gave some of it to another child who also ate it and both died, this section was held to be applicable and he was held guilty of murder. Where the second accused gave some oleander seeds to the first accused who would administer the same to a woman and kill her in furtherance of a common intention between the two accused, and the second accused crushed and mixed the seeds and some arsenic in milk and

gave the same to the intended victim who did not drink it but another person drank it and was killed, it was held that this section would be attracted and the accused would be liable for murder. In *Abdul Ise Suleman v. State of Gujarat* the accused persons in the course of an altercation charged to fire freely on the fleeing complainant party in a commercial locality. The first shot injured a person while the second shot resulted in death of the ten years old son of the complainant. The Supreme Court held the death of the child to be intentional and so applied section 300 read with section 301 of the Code, and observed that it was not a case under section 304-A of the Code.