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## **I. CRIME'S ESSENTIALS<sup>1</sup>:**

**In order to commit a crime, there are four elements that must be present:**

- *Men’s rea, or the intention to harm,*
- *Act or omission that falls under the definition of an illegal act or omission*
- *Causing harm to a third party*
- *The wrongful act must have been committed by a human being in order to meet the first requirement.*

Retribution was a major theme in criminal law in ancient times, and animals were punished for the harm they caused, such as when a pig was burned in Paris because it had devoured an infant, or a horse was put down because it kicked someone. However, if an animal causes harm, we no longer hold the animal responsible, but rather the owner. First and foremost, there must be a criminal act committed by a human being, and that person must be a suitable target for punishment. If a *company, association, or group of people is described as "persons" in the Indian Penal Code (IPC)*, that includes corporations as well as unincorporated groups of people. Artificial or juridical persons are also referred to as persons.

### **I.I MEN'S REA<sup>2</sup>:**

Men’s rea, or evil intent or guilt on the part of the perpetrator, is a crucial component of any crime. In order to commit a crime, one must have men’s rea, or a malicious intent. The fundamental principle of criminal liability is that every crime requires a mental element. Accused must have been aware of what constitutes the crime he is charged with in order to meet the basic mens rea requirement.

### **I.II ACTUS REUS<sup>3</sup>:**

In this regard, the well-known maxim "*Actus Non Facit Reum Nisi Mens Sit Rea*" states that the act and the guilty intention together constitute a criminal offence (or "crime" in Latin). In criminal proceedings, no one can be punished unless it can be proven that he or she had a guilty mind. An actus reus [*Guilty Act or Omission*] constitutes the third essential element of a crime.

<sup>1</sup> SUBHASHINI PARIHAR, *Definition of Crime and Its Essential Elements – Indian Penal Code*, available at <https://www.writinglaw.com/crime-ipc-definition/>.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

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Some kind of overt act or illegal deed must be committed in order for a crime to be committed. It is the external manifestation of mens rea that is called the actus reus. The term "actus reus" was coined by *Prof. Kenny*. According to his definition, the term refers to *"any outcome of human conduct that the law seeks to prevent."*

### **I.III INJURY<sup>4</sup>:**

Another person or society as a whole must be harmed as a result of a crime. As defined by Section 44 of the IPC, 1860, "injury" is defined as *"any harm whatsoever unlawfully caused to any person in relation to their body, mind, reputation, or property."*

## **II. STAGES OF CRIME<sup>5</sup>:**

The four stages of committing a crime, whether voluntarily or after preparation, are summarised here. To commit a crime, one must first intend to do so, then make preparations to do so, then actually attempt to do so, and finally complete the act of committing the crime.

### **II.I INTENTION<sup>6</sup>:**

First, there is the mental stage, which is known as intention. Then there is the physical stage, committing the crime. Having a clear idea of what you want to accomplish and why you're doing it are the two most important factors in determining your intent. However, an intention is not taken into account by the law; if no action is taken as a result of the intention, it is not an offence. The prosecution's inability to establish a defendant's guilty mind is a clear-cut reason not to bring charges against him at this point.

### **II.II PREPARATION<sup>7</sup>:**

The second stage of committing a crime is preparation. To put it another way, it means to put the pieces in place so that the intended crime can be carried out. It takes more than just an intention to commit a crime, and even then, it must be accompanied by some sort of preparation. Because the prosecution has been unable to prove that the preparations in question

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<sup>4</sup> *Ibid.*

<sup>5</sup> ANUSHKA SAXENA, *4 Stages of Crime Under the Indian Penal Code*, available at <https://www.writinglaw.com/stages-of-crime-ipc/>.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

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were made in preparation for the commission of the specific crime, the act of preparing has not been made punishable.

### **Illustration:**

*In order to eliminate his enmity with B, A buys a pistol and keeps it in his pocket fully loaded, but does nothing else. It is impossible for the prosecution to prove that A had the loaded pistol with him solely for the purpose of killing B because he has not yet committed any crime.*

**Generally, preparation to commit any offence is not punishable, but in some exceptional circumstances preparation is punishable, as follows:**

- *Section 122 of the Indian Penal Code lays out the offence of preparing to wage war against the government.*
- *Sections 126, 399, and 233-235 of the Indian Penal Code (IPC) 1860 address preparations for depredation on the territory of a power at peace with the Indian government. Sections 255 and 257 of the IPC 1860 address preparations for dacoity and the counterfeiting of coins and stamps issued by the Indian government.*
- *Fake coins, forged weights and measurements, and forged documents are all examples of illegal activity. Sections 242, 243, 259, 266 and 474 make it illegal to even have any of these items in one's possession, and the owner cannot claim that he is still preparing to use them.*

### **II.III ATTEMPT<sup>8</sup>:**

Third, an attempt is the direct movement toward the commission of a crime after the preparation has been completed. There are no exceptions to this rule, and even if the facts are such that committing the crime would be impossible, someone can be found guilty of trying to do so under English law by performing an act that is more than just preparatory to the crime's commission.

**In order to make an effort, there are three essentials:**

- *Intent to commit an offence with knowledge of one's guilt;*
- *An action taken in preparation for the commission of the crime;*

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<sup>8</sup> *Ibid.*

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- *The act must fall short of a full-blown crime.*

***Attempt Assault has been dealt with in four different ways under the Indian Penal Code,  
1860:***

- *Suffered the same penalty regardless of whether the offence was successfully completed or not. These sections include 121, 124-A, 125, 130-A and 130-B. Also included are Sections 161-A, 162, 163, 196, 200-A and 198-A. Also included are Sections 385-A and 240-A. Also included are Sections 459 and 460.*
- *For the second time in a row, attempts to commit crimes and specific offences have been treated as separate crimes, and punishments have been established to reflect this. Examples include murder, culpable homicide, robbery, and attempted robbery.*
- *Section 309 punishes anyone who tries to take their own life.*
- *On top of that, Section 511 imposes a penalty of one-half of the maximum term of imprisonment or prescribed fine or a combination of the two in all other cases [where no specific provisions regarding attempt are made].*

**II.IV ACCOMPLISHMENT OR COMPLETION<sup>9</sup>:**

The last stage in the commission of an offence is its accomplishment or completion. If the accused succeeds in his attempt to commit the crime, he will be guilty of the complete offence and if his attempt is unsuccessful, he will be guilty of an attempt only. *For example, A fires at B with the intention to kill him, if B dies, A will be guilty for committing the offence of murder and if B is only injured, it will be a case of attempt to murder.*

*Hence, these are the important essentials to be kept in mind for making a person liable for the commission of a crime.*

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<sup>9</sup> *Ibid.*