

Class: B.A.LL.B. V SEMESTER
Subject: LAW OF CRIMES (INDIAN PENAL CODE)
Code: BL-5001

Topic: Accident and act of Child

Defence of Accident under IPC [Section 80]

Plea of accident can be taken before court to avoid liability if the following conditions are satisfied –

- Offence done by accident or misfortune.
- Without criminal intention / knowledge.
- In doing lawful act.
- In lawful manner.
- By lawful means.
- With proper care and caution.

Related causes:

K.M Nanavati v/s state of Maharashtra (1962 sc) – Presumption is always made that there was no accident the one pleading accident must prove accident.

Act of child [Section 82 and 83]

- Child below the age of 7years is deli inscapes, he is totally immured from any criminal liability and this rule is a conclusive proof.
- Child between age of 7 to 12 years is also immured from liability subject to the condition that-
 - He has not attained sufficient maturity
 - To understand nature & confluences of his act.

Related case laws

- Krishna 1883 child of a year had enough maturity to understand the consequences of stealing necklace.
- Ulla mahapatra 1950 – malicia supplet octatem.

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