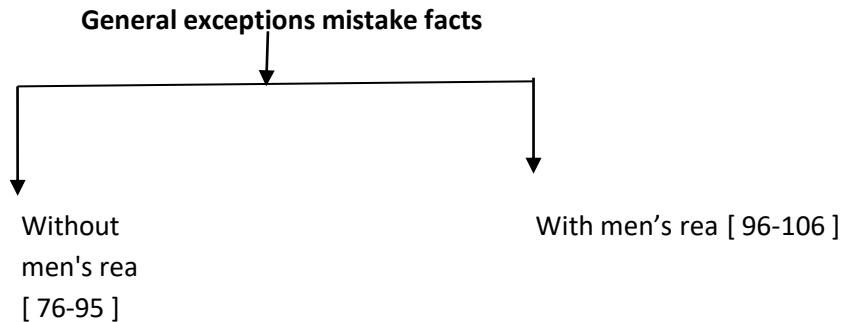


Class: B.A.LL.B. V SEMESTER
Subject: LAW OF CRIMES (INDIAN PENAL CODE)
Code: BL-5001



Not an absolute right-

Sec 105 of evidence act –burden of proof is on the accused to plead the defence of any of the general exception.

Section 76 and 79 of IPC

Section 76

- Act done by a person who is bound by law in doing that.
- Act done by person who is believing himself to be bound by law.
- Belief must be because of mistake of fact not mistake of law.
- The belief must be in good faith maxim, **ignoratia facit excusat ,ignoratia legis non-exussat,**
- Case law – R v/s prince.

Section 79:

- Act done by person in mistake of fact.
- Mistake must relate to fact and not to law.
- Mistake must be committed in good faith.
- Person doing it either justified by law or believes himself to be justified by law.

Section 76 is a legal compulsion where as section 79 is a legal justification.

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