

A STUDY ON CRIMES COMITTED ON INTOXICATION.

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2019

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ABSTRACT:

This paper aims at examining whether a person can be discharged from criminal liability under Indian Penal Code who is intoxicated voluntarily. It has been a controversy for years on this issue. If law can set free an involuntarily intoxicated person from criminal liability under the code of IPC, stating that mens rea was absent, how can it only punish a voluntarily intoxicated person, because in this case also, he loses control and has no knowledge of what he is doing. This was based on the maxim that, *actus non facit reum nisi mens sit rea*, which means that the act does not make one guilty unless he has a guilty intention. This is considered a serious issue because, in law, no innocent person should be wrongly punished. But this paper clearly elaborates that the situations needed to be considered and identified before concluding the case. The legal provisions relating to intoxication and the test used to determine liability on this issue is also well discussed. The famous 'Dutch Courage Rule' is discussed in the paper, which gives a different connotation to this matter. The different defences under different laws are also elucidated briefly. This paper compares that, what are all the exemptions provided under both Indian and English law. Various Indian and as well as English landmark judgments are discussed to the better understanding of the concept. The paper finally concludes whether the law absolves a person from criminal liability completely for any act done against law or omitted.

KEYWORDS: Criminal liability, indian penal code, voluntary intoxication, mens rea absent, dutch courage rule, english and indian law, defences.

INTRODUCTION:

Alcohol plays an outsized role in criminal activities and violence. Excessive drinking has the power to lower inhibitions, impair a person's judgement and increase the danger of aggressive behaviors. As a result of this, alcohol-related violence and crime rates are on the increase throughout the country.

Over the past many decades, researchers have examined the connection between alcohol, drugs and crime. Data suggests that engaging in prolonged drinking or binge drinking considerably will increase your risk of committing violent offenses. Giving in to the harmful

effects of alcohol will modify your life in a second. Not only are you jeopardizing your future, you're also putting the others in danger. Criminal activities associate with severe consequences like time in jail, legal fees and different court-ordered penalties.

A number of people that serve time in jail have committed alcohol-related crimes. Offenses vary from minor to serious and embody property crime, public-order offenses, driving whereas intoxicated, assault and killing. On average, roughly forty percent of inmates who are incarcerated for violent offenses were underneath the influence of alcohol throughout the time of their crime. Several of those criminals had associated in nursing calculable blood alcohol content (BAC) level of over 3 times the legal limit at the time of their arrest. The aim of the study is to analyze the crimes committed on intoxication.

OBJECTIVES OF THE STUDY:

The objectives of the study is to,

- Analyze the crimes committed on intoxication.
- To know the defence for such crimes
- To know the knowledge of the people on these crimes.

REVIEW OF LITERATURE:

Some of the most common alcohol-related crimes involve cases of drinking and driving. However, there are a variety of other offenses that can result from alcohol abuse.

Several examples of criminal activities committed on intoxication are,

Robbery:

Many cities across the US have seen a gradual increase in robberies and property-related crime. Variety of those robberies – **roughly fifteen percent** – are connected to alcohol use. Alcohol will intensify a robber's feelings of desperation and cause them to steal someone's cash or property. The implications of robbing somebody area will entail time in jail, criminal charges on your record, fines and different legal troubles.

Sexual assault:

A regulatory offence could be a forced sexual act and will involve touching, foreplay and intercourse. Associate degree calculable says that **thirty seven percent** of sexual assaults and rapes area unit committed below the influence of alcohol. This will build them become additional forceful once somebody tries to resist them. Regulatory offence will occur once

there's a scarcity of consent, still as once the victim is unable to grant consent because of intoxication or status.

Aggravated assault:

A common wake-up call of drug abuse is irritability and extreme mood swings. Thanks to this, some people flip violent when associate degree episode of serious drinking. Poor choices and impaired judgment, combined with aggression and hostility, will quickly become dangerous. If violent thoughts and feelings area unit acted on, it will cause associate degree assault charge. regarding twenty seven percent of aggravated assaults area have used alcohol. Assault means that inflicting serious injury, like bodily damage to a different person. Criminal charges area unit abundant stricter if a weapon is concerned.

Homicide:

Alcohol is concerned in additional homicides across the US compared to different substances, like diacetylmorphine and hard drug. In fact, regarding **forty percent** of condemned murderers had used alcohol before or throughout the crime. Excessive drinking will cause a lot of severe varieties of violence which will quickly increase to extraordinarily dangerous things. The effects of alcohol blur a person's mental state which contributes to an increased risk of committing violent crimes. There are strict legal punishments in place for homicide convictions and can land you in jail for many years, or even the rest of your life.

INTOXICATION is of two types,

INVOLUNTARY INTOXICATION:

Involuntary intoxication happens once somebody is tricked into overwhelming a substance like medicine or alcohol, or once somebody is forced to try and do thus. as an example, a lady who includes a violation drug placed in her drink while not her information is involuntarily intoxicated. Involuntary intoxication can also occur as a results of associate allergic reaction to, or the unwitting effects of, a legal prescription medication.

If a charged crime may be a specific intent crime, that means that the guilty should have had the precise intent to commit the crime in question, involuntary intoxication may be a defense to criminal charges if it prevents the guilty from forming the intent that's needed. As an example, the guilty might not perceive the character of his or her actions or is also deemed incapable of getting the state of mind necessary to commit the crime. A standard example is that the crime of assault, which needs associate intention to cause damage. If a person becomes violent as a results of involuntary intoxication commits an assault, he or she is also

able to argue that the intoxication prevented him or her from forming the intention to cause damage.

DEFENCE:

Involuntary intoxication can also be a defense to a crime if the defendant can establish that the grounds for committing the crime is similar to an insanity defense and has further prevented the defendant from understanding the nature of the crimes or differentiating right and wrong.

VOLUNTARY INTOXICATION:

Establishing a defense of voluntary intoxication is far harder than involuntary intoxication. underneath prevailing legal standards, voluntary intoxication is associate applicable defense just for bound crimes, and, even in those circumstances, juries ar so much less probably to simply accept a defense of intoxication once the guilty brought the intoxication upon himself or herself.

Unlike involuntary intoxication, voluntary intoxication is rarely a defense to a general intent crime. However, voluntary intoxication could also be used as a defense to specific intent crimes if, like involuntary intoxication, it prevents the guilty from forming the criminal intention that is necessary to commit the crime. Thus, a guilty may argue voluntary intoxication as a defense to felony as a result of he was therefore intoxicated that he was unable to create “intention to commit a criminal offense in that.” However, in most states, the crime of voluntary intoxication is affirmative defense, which implies that the burden is on the guilty to prove that he or she lacked the required intent.

DEFENCE:

In some cases, the defence of voluntary intoxication does not completely resolve the liability of the defendant but instead reduces the overall consideration of the crime. Thus the defendant will amount to less fine charges and punishment if he or she proves that intoxication has led to do such activities and men’s rea was totally absent as well as the knowledge of such act.

MATERIALS AND METHODS:

RESEARCH METHODOLOGY:

Empirical research is based on observed and measured phenomena and derives knowledge from actual experience rather than from theory or belief. Key characteristics for an empirical

research is specific research questions to be answered and description of the process used to study this population or phenomena, including selection criteria, controls, and testing instruments(such as surveys). **The research is based on empirical study and the sampling method is random sampling method The sample size is 1050** .The statistics are frequency and chi square and Anova. The research is done in chennai by questionnaire method.The present paper used both primary and secondary information. The primary information was collected from the general public .The well structured questionnaire about problems of inter-caste marriages. The secondary information for the study was collected from the articles, journals, newspapers, legislations, rules.

HYPOTHESIS

Null hypothesis:There is no significant differences between educational qualification and crimes committed during intoxication.

Alternate hypothesis:There is significant differences between educational qualification and crimes committed during intoxication.

Independent variable:

1. Educational qualification

Dependent variables:

1. Is alcohol a major factor for committing crimes
2. If a person commits a crime on intoxication and takes the contention that he was not in a right state of mind will he be given defence under section 85.

ANALYSIS:

FREQUENCY TABLE:

		Educational qualification			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	12th	183	12.1	12.1	12.1
	Graduate	797	52.6	52.6	64.7
	Post Graduate	297	19.6	19.6	84.3

SSLC	237	15.7	15.7	100.0
Total	1514	100.0	100.0	

DATA TABLE 1:

Crosstab

Count

		1. Is alcohol a major factor for committing crimes?		Total
		Yes	No	
Educational qualification	12th	78	105	183
	Graduate	243	554	797
	Post Graduate	130	167	297
	SSLC	13	224	237
Total		464	1050	1514

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	107.021 ^a	3	.000
Likelihood Ratio	128.211	3	.000
Linear-by-Linear Association	40.941	1	.000
N of Valid Cases	1514		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 56.08.

DATA TABLE 2:

Crosstab

Count

		2.If a person commits a crime on intoxication and takes the contention that he was not in a right state of mind will he be given defence under section 85?		Total
		Yes	No	
Educational qualification	12th	78	105	183
	Graduate	243	554	797
	Post Graduate	130	167	297
	SSLC	13	224	237
Total		464	1050	1514

Chi-Square Tests

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DISCUSSION:

Using **chi-square test** the p value is found to be more than 0.05. The analysis table is based on the answers of General people in the nearby locality. This analysis has shown the knowledge of people on crimes committed on intoxication. The collected answers from around 1050 people, in which people were segregated based on their age, educational qualifications, gender and occupation. The questions that this research focuses on are: Is alcohol a major factor for committing crimes and if a person commits a crime on intoxication and takes the contention that he was not in a right state of mind, will he be given defence under section 85. For the first question 70% has answered YES for the question and about 30% has answered NO. The **alternative hypothesis** is proven to be positive.

CONCLUSION:

The Model Penal Code, which defines criminal mental states in terms of purpose, knowledge, recklessness or negligence, allows a defendant to use voluntary intoxication as a defense to crimes requiring proof of a state of mind of either purpose or knowledge. In other words, if a defendant is on trial for committing a crime but he can only be convicted of the crime if he committed it either willingly or knowingly, the defendant will be acquitted if he can show that he committed the crime while voluntarily intoxicated. In these instances, the Model Penal Code will allow a defendant to use his voluntary intoxication as a valid defense. However, if the defendant is on trial for a crime for which he can be convicted if he committed it recklessly or negligently (as is the case with most crimes, under the Model Penal Code), then he will not be able to use voluntary intoxication as a defense.

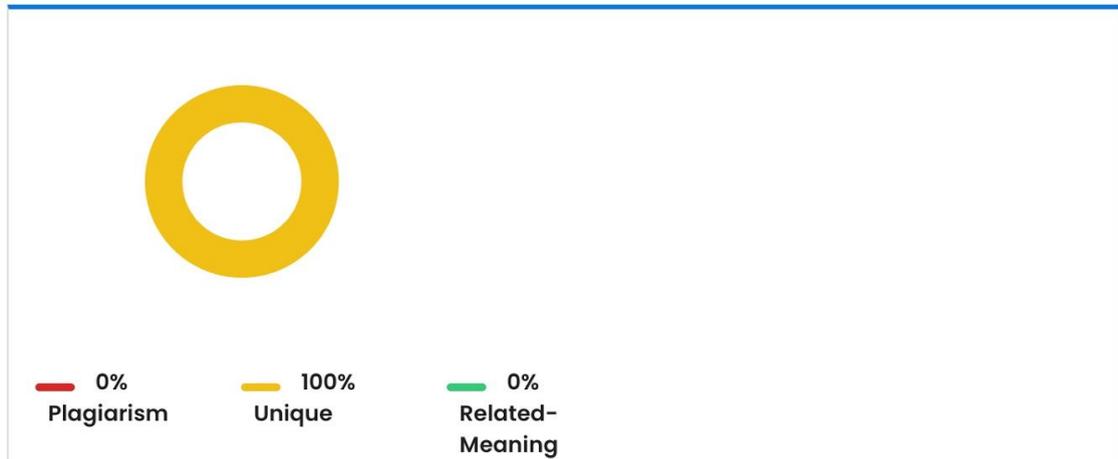
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PLAGIARISM:



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