

Of highest degree of murder, punishable with death or for life to either of which fine may be added [Section 302]

True difference is only the difference in degree of intention and knowledge

Greater Degree of intention and knowledge – Murder

Lesser degree of intention and knowledge – Culpable Homicide

Stages to prove Murder

Accused had done an act which caused death

To prove intention, must not fall under exceptions

Clauses 1-4 of Section 300 of IPC adjudged

Five exceptions would also be adjudged

Comparison of Section 299 with Section 300

Intention to kill – Section 299 (a) compared with Section 300 (1)

Intention to cause bodily injury likely to cause death – Section 299 (b) compared with Section 300 (2) and (3)

Knowledge of death - Section 299 (c) compared with Section 300 (4)

Encounter Deaths

Encounter deaths treated as homicide and can be enquired if found suspicious and not justified

Following procedure to be followed in cases of encounter death:-

Information of encounter must be registered

Investigation must be done about the information received

Police party of same station, investigation should be by other agency such as CID

Compensation to dependents or prosecution of police officer based on result of investigation