

**Precedents on culpable homicide**

- The fact that the appellant gave only one blow on the head of the deceased would not mitigate the offence of murder to “culpable homicide not amounting to murder” provided it does not fall within the exceptions of section 303 of the Indian Penal Code . Gudra v.State of Bihar.
- If a person gleefully drives the motor vehicle into the midst of a crowd and thereby causes death to some person, it would not be a case of mere rash and negligent driving but will actually amount to culpable homicide. Each case will therefore depend upon the particular facts established against the accused. State of Gujrat v. Haidarali AIR 1976 SC 1012.
- When ever a court is confronted with the question whether the offence is “murder” or “culpable homicide not amounting to murder” on the facts of a case, it will be convenient for it to approach the problem in three stages. The question to be considered at the first stage would be whether accused has done an act by doing which he has caused the death of another. Connection between the act of the accused and the death, Leads to the second stage for considering whether the act of the accused amounts to “culpable homicide” as defined in section 299. In the answer to this question is prima-facie found in the affirmative, the stage for considering the operation of section 300 of Indian penal code is reached. This is the stage at which the court should determine, whether the facts proved by the prosecution bring the case within the ambit of any of the four clauses of the definition of “murder” contained in section 300. if the answer to this question is in the negative the offence would be “culpable homicide not amounting to murder” punishable under the first or the second part of section 304, depending, respectively on whether the second or the third clause of section 299 is applicable. If this question is found in the positive, but the case comes within any of the exceptions enumerated in section 300, the offence would still be “culpable homicide not amounting to murder” punishable under the first part of section 304 of the Indian Penal Code. State of Andhra Pradesh v. Rayavaralu AIR 1977 SC 45.
- For the purpose of punishment, proportionate to the gravity of offence, the Code practically recognizes three degrees of culpable homicide. The first is, what may be called “culpable homicide of the first degree”. This is the gravest form of culpable homicide which is defined in section 300 as “murder”. The second may be termed as “culpable homicide of the second degree”. This is punishable under the first part of section 304. Then, there is culpable homicide of the third degree. This is the third type of culpable homicide and the punishment provided for it is also, the lowest among the punishments provided for three grades. Culpable homicide of this degree is punishable under the second part of section 304. State of Andhra Pradesh v. Rayavaralu AIR 1977 SC 45.
- Even though none of the said five exceptions are pleaded or prima-facie established by the evidence on record, however prosecution must still be required under the law to bring the case under any other four clauses of section 300 of the Indian Penal Code to sustain the charge of murder. In the prosecution fails to discharge their onus in establishing any of the four clauses of section 300, the charge of murder would not be made out and case may be one of culpable homicide not amounting to murder as a described under section 299. Kishore singh v.State of Madhya Pradesh AIR 1977 SC 2267.