

**INDIAN PENAL CODE. By C. K. Thakker (Takwani), Former Judge, Supreme Court of India**, Eastern Book Company, Second Edition, 2022, 376 pages, Paperback: Rs. 495/-, ISBN: 978-93-5145-232-4.

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The second edition of Indian Penal Code (IPC) by Takwani has nicely placed the fundamental and basic principles of criminal law in a very simple and lucid language. General principles of the Indian Penal Code have been explained considering the important amendments in the Code, several landmark decisions of the Supreme Court as also recent developments of law. Several new elaborated topics have been included for the first time in comparison to the first edition published in the year 2014 such as offences against the State and Society, offences against the human body, offences against property, etc. have been explained in much more detail with reference to decided cases. Its recent edition, which is written in an easy-to-read format and has the support of numerous judicial and academic experts, will continue to be popular with anyone working in the criminal justice system for many years to come. Professionals, academics, and trial court judges—especially those just starting out in their careers- should not be without this book. In doing so, the author makes a clear distinction between criminal and civil prosecutions and makes specific reference to the historical context of criminal laws of India. This historical background becomes significant when addressing the complexity of the Code and helps readers comprehend it even more. The theme structure that would be very helpful to students studying criminal law is also laid out in the first few chapters.

However, in several standard books, every reader searched for a book that would either teach them something new, or at the very least, broaden their knowledge, or force them to view the world from a very different perspective on the subject, such as, “Law of Crimes” by Ratan Lal and Dhiraj Lal; “Penal Law of India” by Gaur; “Commentaries on Indian Penal Code” by All India Reporter; “Cases and Materials on Indian Penal Code” by Bholeswar Nath, etc. but no adequate material, was available to law students, junior advocates and laymen explaining basic principles of IPC in simple and lucid language. The present book fills in the lacuna in an informative way. The author has covered catena of events in great detail in order to address each

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element of the Code. The court's decision is the result of an extraordinary synthesis of theoretical background, legislative concepts, and application in particular factual circumstances.

It is also pertinent to note that the author, in the 2022 edition has taken note of various reports, which include “Code Makers View”, Law Commission’s Reports, etc. All important judgments delivered by the Supreme Court having far-reaching consequences on crimes with a critical and analytical approach have been dealt with by the author such as rape, unnatural offences, adultery, defamation, etc.

Books that have the power to change people, uplift them, and pique their curiosity are the ones that ingrain the legal system into peoples’ minds. For this reason, the law threatens potential offenders with consequences and works to ensure that specific criminals receive the appropriate penalties for their actions. As a result, the legal code, in its broadest sense, establishes the crime and then applies the mandatory penalties under the criminal justice system in our nation. In the process, this book provides an honest understanding of Code, which typically addresses the issue from the outset in the most efficient manner. This could entail opening a case, conducting an investigation, going to jails and police stations, gathering witness statements, looking for medical records,

Every chapter begins with quotations that throw light on the topics discussed and explains the ambit and scope thereof. Those quotations are very helpful for law students and practising lawyers in understanding and also in explaining the various criminal law doctrines. The author has dealt with the subject mainly under two heads: 1) General Principles of Criminal Law; and 2) Specific Offences, such as, offences against State, against human body, against property, against marriage etc. In general principles, author has discussed various theories of punishment, their merits and drawbacks. Several other forms of punishment have been noted. General exceptions have been considered with illustrative cases and leading decisions of various courts. Right of private defence has been critically discussed.

In Chapter 1, the basis of criminal law, historical background, the object of the Code, extent and applicability of the Code, its nature, and amendments in the Code have been discussed in detail. In Chapter 2, fundamental principles of criminal law such as the meaning of crime, causes of crime, the difference between crime and morality, the difference between crime and

tort, elements of crime such as *mens rea*, Actus Reus, injury have been discussed in a very elaborative and lucid style. Under Chapter 3, territorial jurisdiction has been discussed which makes us understand that territorial jurisdiction can be considered under two heads: 1) Intra-territorial jurisdiction; and 2) Extra-territorial jurisdiction.

Under Chapter 4, the author has provided a structured way of definitions explained in a detailed manner with the help of case laws at appropriate places. Under Chapter 5, the concept of punishment has been discussed although IPC does not define “punishments” the author has explained the meaning of punishment by quoting dictionary meanings and Manu. Various theories of punishment have also been discussed elaborative.

In Chapter 9, offences against the State and society have been covered. In Chapter 10, offences against the human body have been discussed thoroughly. The distinction between culpable homicide amounting to murder and culpable homicide not amounting to murder has been explained in simple language so that the readers may be able to appreciate the difference between the two. Death by negligence and dowry death have been considered with reference to case laws on the point. Sexual offences have been discussed and leading cases have been critically examined including the *Nirbhaya* case of Delhi.

In Chapter 11, all offences against property have been considered with illustrations that explain the principles behind the enactment; offences relating to marriage could be traced in Chapter 12. The Supreme Court decisions on constitutional validity and vires of Section 497 (adultery) have been examined with a critical eye. In Chapter 13, principles relating to defamation have been dealt with. In Chapter 14, criminal intimidation, insult, and annoyance have been elaborately discussed. The difference between insult and defamation has also been discussed at the appropriate place.

According to what we experienced and learned from reading this book, the quote highlights the specific demonstrated fact that, despite the legal profession's reputation as being rather dry and impersonal, it actually plays a significant role in people's safety and well-being, and that criminal defence attorneys can significantly impact the pursuit of justice for those who most need it. This book is helpful to everyone who is interested in learning about the gaps and loopholes in Indian criminal law, particularly to those working in the legal profession as

advocates or students. Almost certainly, if one want to practise criminal law, he need to be street smart, quick on his feet, and have a thorough understanding of codes, procedures, and the workings of the judiciary. One also need to have basic knowledge of these sources to help with every step of the criminal process, from the initial crime investigation to the sentencing and conviction of the accused. The book's goal seems to be for everyone to have a thorough awareness of the fundamentals of fantastic law, as taught by the author, who also provides examples for each area and its subtopics, along with case laws and punishments. Because crime by its very nature carries a great deal of stigma and animosity, a lawyer treating clients in a criminal case must exercise complete discretion. Being trustworthy and sincere is crucial, and occasionally this also applies to anyone else practising law in this field.

All care has been taken by the author to make the subject simple, interesting, and informative. It seems that the author has gone through various reports of the Law Commission on IPC and has highlighted suggestions and recommendations by the Commission which unfortunately have remained on the paper. A sincere attempt has been made by the author to make the publication excellent and of standard quality and to make the work complete, more informative, useful, and up-to-date. The author's explanation of the sections and citation of the caselaw is both insightful and deliberate. By picking the most important parts of the court rulings and quoting them, he has provided an explanation of the Code's text. Since the rulings of the Supreme Court constitute the ultimate law of the land, he accords them primacy over all other decisions. He has done this with remarkable skill, selecting only the most important passages to quote and making them available for reproduction. The knowledgeable author will be able to expand on the book's scope in later editions now that he has a solid foundation for this edition, which is excellent overall. First, he might try to make its contents more current by addressing current debates and discussions. Second, criminal law makes a particularly interesting theoretical topic. The more dedicated law students might benefit greatly from this introduction. In order to make the book an exceptional contribution by an Indian to the body of literature on criminal law that can be compared to the works of others in the field, the learned author hopes to conduct additional research.