

Transfer of Malice

What is the Doctrine of Transfer of Malice?

The Doctrine of Transfer of Malice is a fascinating legal concept in Indian law, where criminal intent or malice is transferred from the intended target to an unintended one. Simply put, if someone intends to commit a crime against one person but accidentally harms another, the law holds them responsible for the unintended consequences.

Example

Picture a scenario where an argument between two individuals, Rajesh and Manoj, escalates into a physical altercation. In a moment of anger, Rajesh throws a punch intending to hit Manoj but inadvertently strikes a bystander, Priya, who suffers injuries. Despite Rajesh's lack of intention to harm Priya, the doctrine of transfer of malice holds him accountable for the harm caused. The law recognizes that Rajesh's criminal intent to harm Manoj extends to Priya, ensuring that he is held responsible for the consequences of his actions.

Purpose and Application

This doctrine ensures accountability for one's actions, even if the harm caused was not the original intent. For instance, if someone aims to harm Person A but ends up harming Person B instead, the law transfers the criminal intent from A to B, holding the offender liable for the harm caused.

Landmark Cases

Cases such as R v. Mitchell and Emperor v. Mushnooru Suryanarayana Murthy highlight the application of this doctrine in real-life scenarios. In these cases, individuals were held accountable for unintended harm caused due to their actions, showcasing the significance of the doctrine in ensuring justice.

Supreme Court's Verdicts

In two landmark cases, the Supreme Court wielded the powerful legal doctrine of transferred malice to ensure accountability in the face of unintended consequences.

In *Nanhe v. State of UP*, the court confronted

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a poignant scenario where Nanhe's shot,

aimed at settling a dispute, tragically claimed the life of Mohd. Ali's son, Saddam Hussain. Despite Nanhe's original target being Mahendra, the court, guided by Section 301 IPC, emphasised that criminal intent can transfer, holding Nanhe responsible for the unintended fatality.

This ruling underscored the principle that intent matters more than the specific victim, echoing through legal precedents and reasserting the essence of accountability in criminal law.

Similarly, in **State of Rajasthan vs. Ram Kailash alias Ram Vilas**, the Supreme Court intervened to restore justice by reinstating the murder conviction of the accused under Section 302 IPC. The court's scrutiny revealed the High Court's oversight of the doctrine of transferred malice, a pivotal legal principle enshrined in Section 301 IPC. By reinstating the trial court's judgement, the apex court reaffirmed that awareness of the potential consequences renders one culpable, irrespective of the intended target.

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