

Principle of Actus Reus

Amit Verma

Department of Law

Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India

ABSTRACT: *The actual act of performing a crime (actus reus) is more than an act, it may be an omission to conduct or a "state of being." For example, if you are in possession of an illicit substance, you are not behaving or not acting, but simply in possession. This is a fact of being. Omissions to act can be offences as well. The factor of the circumstances of the actus reus applies to the relevant circumstances in which an act must take place in order to be criminal. The specific conditions in the case of the crime of trespassing at night will be that the act happened at night, on someone's property rather than your own, and that you breached the property without authorization or legal reason. The inability to provide is an omission and a felony if an adult fails to provide the essential needs for the survival of children. Acts or kinds of wrongdoing are the bulk of offences. Evidence of the physical dimension involves more than only deciding if there is an act, absence or state of being. The four C's-conduct, consequences, causes and causation must be understood.*

KEYWORDS: *Actus Reus; Criminal Law; Elements of Crime; Offence.*

INTRODUCTION

A crime happens when one of our criminal laws is violated by a person. There are two basic components of a crime: the conduct or "actus reus" and the motive or "mens rea" (guilty mind). The crime of arson, for instance, has two parts: intentionally setting fire to a building and wilfully and knowingly doing so. It might not be a felony to set a fire by mistake. In most criminal cases, it is important to prove both actus reus and mens rea. If any part is absent, so there was no crime committed[1].

The principle of the criminal justice system is "Presumption of innocence" Unless proved guilty, the perpetrator is believed to be innocent. "Burden of proof" means that arguing that the accused is guilty is the duty of Crown lawyers. It is not necessary for the defending counsel to show that the victim is innocent. "Beyond a fair doubt" the Crown must show that the defendant is guilty and there should be no fair doubt in the eyes of the judge or jury about it. Where there is a fair doubt, it is appropriate to find the accused not guilty[2].

Three wide definitions of criminal offences are included under Criminal Code. The less severe the crimes under summary judgment are, the more severe they are considered indictable offenses. A crime is classified as a dual or combination offence and may be a summary offence or an indictable offence[2].

Summary conviction offences are punishable by imprisonment for not more than six months or a fine. Indictable offences cause life imprisonment and bigger fines to be levied. The penalty for a dual or combination crime is decided by the choice of the Crown to act summarily or by trial, with available penalties imposed by the Code. Summary trials which result in fines greater than those allowable for straight summary crimes for such hybrid offenses (for example, assault causing bodily harm, upon summary conviction, is punishable by a maximum of 18 months in jail)[3].

For three factors, the Penal Code has made a distinction between various forms of crimes. First, some crimes do more injury to persons or culture. Second, some offenses are deemed to be more socially repugnant than others, and third, that some crimes are committed against land while others are committed against persons[3].

It is a common criminal law theory that for a felony to have existed, both the actual act (*actus reus*) and the convicted mind (*mens rea*) must be present at the same time. Its significance is demonstrated by this illustration. Joe gathers up his trainers from his golf club's dressing room and brings them home. He knows that they are not his shoes but those of another member of the club as he goes home, but prefers to keep them because they fit and are much better than his own. The criminal law depends on the premise that the act of depriving the owner of the shoes continues to take the shoes until the point at which Joe developed the guilty mind (*mens rea*). It is the stage at which the offense happens, where both a guilty act and a guilty mind are present[4].

The paper continues to discuss the components of criminal offences. The incident, action or state of affairs known as the external element or *actus reus*, and the state of mind known as the mental element or *mens rea*, are two variables that are important[5].

This paper addresses the theory of *actus reus*, proof and the elements of the crime, how to describe *actus reus* and *mens rea* elements, the coincidence of *actus reus* and *mens rea*, the effect of punishment provisions on the assessment of *actus reus* elements, *actus reus* and reason or excuse, Dadson's troublesome situation with regard to *actus reus*, physical involuntariness, a 'state of[5]'.

DISCUSSION

The characteristics of a criminal offence are the standard focal point for the study of criminal law. These are the core concepts of criminal liability: *actus reus* (often referred to as forbidden actions, but more specifically defined as the external elements of the offense) and *mens rea* (often referred to as the mental element, but more accurately described as the fault element). The distinction between actions and omissions, cause and varying degrees of blame are included (intention, recklessness and negligence)[6].

Mens rea and *actus rea* are major features of common law that are deemed to decide the essence of a felony in court. Before a criminal conviction and the necessary sentence may be decided, the existence of these two requirements must be confirmed. In criminal procedure in the western world, *Mens rea* and *Actus rea* are two essential concepts. The words of the Latin expression '*Actus non facit reum nisi mens sit rea*' are taken from (an act does not make a person guilty unless the mind is also guilty)[6].

Mens rea, then, refers to reason, while *actus rea* refers to an action. The conduct, as well as the motive, must be identified in every criminal case for a defendant to be charged with a crime. It is therefore important to understand the degree and the form of cause. Also, for a felony charge to be decided, all valid defences, mitigating causes, and extenuating conditions must be taken into account[6].

Having separated Actus reus under the overall criminal liability criteria, its essence continues to be investigated. The general meaning of the provision we have mentioned earlier: actus reus is the requirement that the defendant have carried out an action forbidden by the criminal code, at least prima facie. If we probe the essence of actions themselves, we obtain further insight into the nature of this requirement. When criminal law needs responsibility acts, it will do better to consider what might be true of human actions in general[7].

It is helpful to subdivide it into four sub-principles to clarify the concept of voluntary actions. The first is the belief that voluntary activities are occurrences and are not one of those things we call states that are more permanent. Yesterday, my shooting of a pistol was an incident that took place within a very short amount of time and involved global change. A more lasting situation that does not entail transition but more stasis is my becoming a guy who likes to shoot weapons[7].

The second sub-principle is that physical activities affecting the only physical system under our direct influence, our own bodies, are voluntary acts. Although mental processes such as agreeing or planning to do anything happen, voluntary actions are not activities of this nature. Rather, in answer to our efforts to move them, a voluntary act is (at least in part) the actual event of our bodies moving. This second component of the concept of voluntary act is inspired by the insight that criminal law cares for destruction in the environment[8].

The third subprinciple is that cooperative acts are counted only by willing body movements. Our bodies sometimes "act" in the same way as the "act," of inanimate objects, that is, without our guidance or influence. I should not be said to have committed the voluntary act of breaking the window if my body is hurled through a window; in those situations, my body is no more from a stone that I happen to possess breaking the window[8].

Similarly, if I am in the middle of an epileptic seizure, an episode of hypoglycaemia, a reflex or shock response, hypnosis, a state of somnambulism or fugue, or the like, I am not the creator of the harms that my body can cause. It is just body gestures triggered by my desire (or "willing") to move in such a manner that voluntary acts are involved[9].

The physical facet of a felony is Actus Reus. In legal litigation, the perpetrator may have done something or refused to do something, resulting in injury to the complainant or the claimant. There can be no offense without a guilty act, and no suit can occur for damages. However, an act itself does not create a felony, because if such an act is forbidden, both the motive of the perpetrator and the act itself combine to shape the crime. In certain cases, the facts of the prosecution are often taken into account and are often used to either prove guilt conclusively or to prove fair suspicion of motive[9].

Another type of actus reus is omission, as an act of criminal negligence. It falls on the other side of the attack or murder continuum which requires not taking an action that would have stopped any person from being harmed. An omission may be failing to warn someone that you have created an unsafe condition, not feeding a child left in your care, or failing to adequately perform a job-related duty that ended in an accident. The inability of the victim to complete a required operation caused damage to others in both of these situations[10].

If the illegal acts are involuntary, the exception to actus reus is. This encompasses actions that arise as a result of a spasm or convulsion, any action made while a person is sleeping or unaware, or behaviours involved in while a person is under a hypnotic trance. An illegal act will be committed in these cases, but it is not deliberate and the liable party may not even know about it until after the fact[10].

CONCLUSION & IMPLICATION

Actus reus is also defined as a criminal act arising from voluntary bodily movement. It distinguishes a physical activity that hurts another entity or damages property. That will count as an actus reus for anything from sexual attack or homicide to the loss of public property.

To say, in criminal law, mens rea and actus rea have major consequences. For a party to be guilty of a felony, both must be present. In trying to see if the offense was done knowingly or accidentally, an experienced criminal defence prosecutor will look into the proof. The counsel will collect the facts and show it to the judge in a way that will bring the client to a successful result.

Actus Reus may also be the omission of an act by omitting to do something that the accused recognizes he is obliged by obligation or statute to do (example: -a mother purposely omits to feed her female child, leading to the death of the child.) The mother can be legitimately charged with causing death by incompetence, and may also be charged with murder if it is necessary to show her motives to kill her baby in court.

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