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Q1. What is Qatl I Amd ? When it is liable to qisas and when it is not

How Qisas is executed? Can qisas be compounded or waived ?

Definition

Qatl means causing death of a person.

Types of Qalts defined in PPC 1860.

Qatl e Amd

Definition of Qatl Amd has been provided under section 300 PPC which is as follows,

“Who ever with the intention of causing death or with the intention of causing bodily injury to a person by doing an act which in ordinary course of nature is likely to cause death, or with the knowledge that his act is so imminently dangerous that it must in all probability cause death, causes death of such person is said to commit Qatl amd”.

The accused can only be held culprit if the injury is direct result and consequence of his death and the action or omission is an intentional murder which falling under definition of section 300 of PPC 1860.

Ingredients of the offence are felonious and an injury causing the death. Mere the provisions of the law are not sufficient for constitution of the offence, and implication of the accused. The provision of 300 has provided for the murder of offence which are exclusively are falling under the provision of Qatl-i-Amd and have contemplated by offender with intention and knowledge. Any qatl which is committed under the Ghariat or sudden provocation caused by outcome of any event is also falling under definition of intentional murder.

Punishments of Qatl u/s 302 PPC

Three punishments have been provided under section 302 PPC are as follows,

i. Death as qisas

ii. Death or imprisonment for life as tazir if proof provided in 304 PPC is not available

iii. Imprisonment which may extend to twenty five years.

Following persons shall not be liable to qisas for qatl and section 306 PPC

§ When the offender is minor or insane,

§ When he causes death of his child or grand child how low so ever,

§ When any wali of the victim is a direct descendent how low so ever of the offender

Qisas for qatl and shall not be enforced under section 307 if

§ The offenders dies before the execution,

§ When any wali waives or compounds under section 309 or 310,

§ When the right of qisas devolves on the offender as a result of death of wali of victim or right devolves on any other person who has no right of qisas against the offender,

§ It can be waived under section 309 PPC by an adult sane wali at any time with out compensation but it cannot be waived where wali is minor or where government is wali,

Waiver of Qisas

An adult sane wali may at any time waive his right of Qisas under section 309 PPC with out any compensation. The wali who does not waive shall be entitled to his share of diyat. It can not be waived on behalf of the minor and where Government is the Wali

Compounding of qatl and

It may be compounded under Section 310 PPC by an adult sane wali at any time on accepting badl sulh which is mutual agreed compensation and may be any thing but female can't be given in badl sulh. Moreover it can

be compounded on behalf of the minor or by the Government but value shall not be less than diyat

Different kind of Qatl in PPC

Ans:

Meaning of Qatl:4

Qatl means murder the intentional Killing of human being without legal justification or excuse and under circumstances insufficient to reduce to crime to manslaughter.

According to Mohammedan Law:

There are four main kinds of Qatl:

1. Qatl-i-Amd i.e. wilful murder which is defined in S. 300 and punishment is defined in Section 302 of Pakistan Penal Code.

2. Qati Shibhi-i-Amd i.e., homicide resembling murder which is defined in S 315 and punishable under S. 316 of P.P.C.

3. Qatl—i—Khata i.e; homicide by mistake which is defined in Section 318 and punishable under Section 319 P.P,C,

4 Qatl—bis-Sahab i.e.. indirect killing which is defined in Section in 2 and punishable under Section 3'22 of P.P C.

Qatl1—Amd, A person in is said to commit Qatl-i-Amd, if he causes the death of a person with:

(i) the intention of causing death, or

(ii) with the intention of causing bodily injury to him, by doing an act which' in the ordinary course of nature is likely to cause death, or

(iii) with the knowledge mat his act is so imminently dangerous that, it must in alt probability cause death.

Qatl—shibh-i-amd:

A person commits Qatl-shibh-i-amd, if he causes the death of a person:

(I) with the intention to cause harm to the body or mind of that or any other person,

(ii) by means of a weapon or act which in the ordinary course is not likely to cause death.

Illustration

1. 'A' in order to cause hurt strikes Z with a stick or stone which in the ordinary course of nature is not likely to cause death Z dies as a result of such hurt. 'A shall he guilty of Qatl-shibh-i-amd.

2. K, who was suffering from heart disease, B locks him in his house. K dies due to shortage of water and medicines. B has committed Qatl-Shibh-i-Amd.

Punishment:

Any person convicted for Qatl-Shibh-i-Amd shall be liable to Diyat and may also be punished with imprisonment of either description for a term which extend to 14 years as Tazir.

Qatl-i-Khata:

A person commits Qatl-i-khata, if he causes death of a person:

(i) without any intention to cause death or harm, but

(ii) by either mistake of fact or mistake of act.

Illustration

1. A aims at a deer but misses the target and kills Z who is standing by. It is Qatl-i-khata by mistake of act.

2. A shoots at an object to be a bear, but it turns out to be human being. This is Qatl-i-khata by mistake of fact. Any person who commits Qatl-i-khata by rash or negligent driving, shall, having regard to the facts and circumstances, of the case, in addition to Diyat, be punished with imprisonment of either description for a term which may extend to ten years as Tazir.

Qati-bis-sabab:

A person commits Qati-bis-sabab, if he causes the death of a person:

(i) without any intention to cause his death, or,

(ii) Without any intention to cause him any harm, but (iii) by doing an unlawful act which becomes

the cause of his death.

Illustration

1. A unlawfully digs a pit in a thoroughfare. B while passing from there falls in it and is killed. A has committed Qatl-bis-sabab, because 'A' had no intention to kill B or cause him any harm.
2. Z detaches electric wires from pole in order to steal. K who was passing near by, touches the wires and dies. Z is liable for K's murder.

Punishment:

Whoever commits Qatl-bis-sabab shall be liable to Diyat Qatl-e-amd liable to Diyat.

Qatl-e-amd liable to Qisas:

1. Proof of Qatl-e-amd shall be in any of the following forms namely:
(a) the accused makes before a Court competent to try the offence a voluntary and true confession of the commission of the offence; or (b) by the evidence as provided in Article 17 of the Qanun-e Shahadat, Order 1984 (P.O. No.10 of 1984).
- 1 The provisions of sub-section (1) shall, mutatis mutandis, apply to a hurt liable to Qisas.