

MURDER' A TYPES OF CRIME

(A Sociological study based on Daily news papers)

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Abstract :

This paper is based on a sample survey of different types of daily news papers artical about murder cases in the India. The paper also concludes that impact of murder on society. Murder is increasing day by day its very harmful for society and world.

Key Words : Murder, Crime

Introducaion :

Murder is the unlawful killing, with malice aforethought, of another human, and generally this premeditated state of mind distinguishes murder from other forms of unlawful homicide.

Most societies both present and in antiquity have considered murder a most serious crime worthy of the harshest of punishment, under the justification that commission of murder is highly detrimental to good order within society. In most countries, a person convicted of murder is typically given a long prison sentence, possibly a life sentence where permitted, and in some countries, the death penalty may be imposed for such an act – though this practice is becoming less common.

The elements of common law murder are :

1. Unlawful
2. killing
3. of a human
4. by another human
5. with malice aforethought.^[5]

The Unlawful –

This distinguishes murder from killings that are done within the boundaries of law, such as capital punishment, justified self-defense, or the killing of enemy combatants by lawful combatants during a war.

Killing –

At common law life ended with cardiopulmonary arrest the total and permanent cessation of blood circulation and respiration. With advances in medical technology courts have adopted irreversible cessation of all brain function as marking the end of life.

Of a human –

This element presents the issue of when life begins. At common law, a fetus was not a human being. Life began when the fetus passed through the vagina and took its first breath.

By another human –

At early common law, suicide was considered murder. The requirement that the person killed be someone other than the perpetrator excluded suicide from the definition of murder.

With malice aforethought –

Originally malice aforethought carried its everyday meaning – a deliberate and premeditated (prior intent) killing of another motivated by ill will. Murder necessarily required that an appreciable time pass between the formation and execution of the intent to kill. The courts broadened the scope of murder by eliminating the requirement of actual premeditation and deliberation as well as true malice. All that was required for malice aforethought to exist is that the perpetrator act with one of the four states of mind that constitutes.

The four states of mind recognized as constituting "malice" are :

- i. Intent to kill,
- ii. Intent to inflict grievous bodily harm short of death,
- iii. Reckless indifference to an unjustifiably high risk to human life.
- iv. Intent to commit a dangerous.

Under state of mind (i), intent to kill, the deadly weapon rule applies. Thus, if the defendant intentionally uses a deadly weapon or instrument against the victim, such use authorizes a permissive inference of intent to kill. In other words, "intent follows the bullet." Examples of deadly weapons and instruments include but are not limited to guns, knives, deadly toxins or chemicals or gases and even vehicles when intentionally used to harm one or more victims.

Under state of mind (iii), an "abandoned and malignant heart", the killing must result from defendant's conduct involving a reckless indifference to human life and a conscious disregard of an unreasonable risk of death or serious bodily injury. An example of this is a 2007 law in California where an individual could be convicted of third-degree murder if he or she kills another person while driving under the influence of alcohol, drugs, or controlled substances.

Under state of mind (iv), the felony-murder doctrine, the felony committed must be an inherently dangerous felony, such as burglary, arson, rape, robbery or kidnapping. Importantly, the underlying felony cannot be a lesser included offense such as assault, otherwise all criminal homicides would be murder as all are felonies.

Many jurisdictions divide murder by degrees. The most common divisions are between first and second degree murder. Generally, second degree murder is common law murder, and first degree is an aggravated form. The aggravating factors of first degree murder are a specific intent to kill, premeditation, and deliberation. In addition, murder committed by acts such as strangulation, poisoning, or lying in wait are also treated as first degree murder.

As with most legal terms, the precise definition of murder varies between jurisdictions and is usually codified in some form of legislation. Even when the legal distinction between murder and manslaughter is clear, it is not unknown for a jury to find an defendant to murder guilty of the lesser offence. The jury might sympathise with the defendant (e.g. in a crime of passion, or in the case of a bullied victim who kills their tormentor), and the jury may wish to protect the defendant from a sentence of life imprisonment or execution.

Suggestions –

Murder itself describes the heinous crime and the motive behind its doing. Any suggestion to stop the act of murder is very hard and hardly implacable because it is a act

when non-moral values greediness, selfishness, insecurity and never satisfy kind of values prevail in the society. Any ways suggestion to stop murder are as follows.

1. Have a speedy judgement.
2. Expose the murderers.
3. Maximum possible punishment, so that those attempting one can have fear of law.
4. Make murder courted non bailable warrant holder.
5. If you have any proof related to murder give immediately to nearest police station.
6. Make proof available to public so that any attempting should be cornered any time anywhere.
7. Give very harsh punishment to political and idol murders.

Conclusion –

Murder is a unlawful killing of any one. Murders most happened because of property, love, insecurity greediness etc. All most murderers are very close to victim, they are may be their relatives, partners, lovers friends etc. We should not harm any body by doing this kind of crime. It effect the murderers life immediately or even later. Murderers should get very difficult punishment by laws. We should help to the police if we have any proof against the murderers. Most important place like offices, garden, school, malls etc. should have CCTV camera. Even our state should give and make very strict rules and regulations for murderers.

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