

The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The text is centered horizontally in the middle of the slide.

MALICE IN LAW AND MALICE IN FACT

• THE TERM 'MALICE' HAS BEEN USED IN TWO DIFFERENT SENSES :

- (I) IN ITS LEGAL SENSE, IT MEANS A WILFUL ACT DONE WITHOUT JUST CAUSE OR EXCUSE AND IT IS KNOWN AS 'MALICE IN LAW.'**
- (II) IN ITS NARROW AND POPULAR SENSE, IT MEANS AN EVIL MOTIVE, AND THE SAME IS KNOWN AS 'MALICE IN FACT'.**

MALICE IN LAW

- IN THE TECHNICAL LEGAL SENSE, OR AS 'MALICE IN LAW', IT DOES NOT CONNOTE AN ACT DONE WITH AN IMPROPER OR EVIL MOTIVE BUT SIMPLY SIGNIFIES "A WRONGFUL ACT DONE INTENTIONALLY WITHOUT JUST CAUSE OR EXCUSE

- **VISCOUNT HALDANE DESCRIBED MALICE IN LAW AS UNDER:-**

“A PERSON WHO INFLICTS AN INJURY UPON ANOTHER PERSON IN CONTRAVENTION OF THE LAW IS NOT ALLOWED TO SAY THAT HE DID SO WITH AN INNOCENT MIND; HE MUST ACT WITHIN THE LAW. HE MAY, THEREFORE, BE GUILTY OF MALICE IN LAW, ALTHOUGH, SO FAR THE STATE OF HIS MIND IS CONCERNED, HE ACTS IGNORANTLY AND IN THAT SENSE INNOCENTLY.”

MALICE IN FACT OR EVIL MOTIVE

- IN ITS POPULAR SENSE, OR AS 'MALICE IN FACT' OR 'ACTUAL MALICE', IT MEANS AN EVIL MOTIVE FOR WRONGFUL ACT. WHEN THE DEFENDANT DOES A WRONGFUL ACT WITH A FEELING OF SPITE, VENGEANCE OR ILL WILL, THE ACT IS SAID TO BE DONE 'MALICIOUSLY'.
- MOTIVE MEANS AN ULTERIOR REASON FOR THE CONDUCT. IT IS DIFFERENT FROM INTENTION, WHICH RELATES TO THE WRONGFUL ACT ITSELF. THE IMMEDIATE INTENTION OF A PERSON MAY BE TO COMMIT THEFT, THE MOTIVE FOR THE THEFT MAY BE TO BUY FOOD FOR HIS CHILDREN OR TO HELP A POOR MAN.