
JURISPRUDENTIAL JUSTIFICATION OF CRIME THROUGH PSYCHOLOGICAL PERSPECTIVE: AN INDIAN INSIGHT

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ABSTRACT

Criminal psychology is primarily concerned with the deeper roots of criminal behavior. Psychologists working in this field examine not just the intentions and ideas of criminals, but also their subsequent responses to their illegal conduct. The study of criminal behavior, which encompasses personality, attitudes, physiology, learning, motivation, reasoning, and other cognitive elements that influence criminal conduct, is known as criminal psychology.¹

"Crime" and "criminal" are very contextual concepts. They are frequently mistaken with one another. "Crime" is not the same as "Criminality." Criminality, on the other hand, denotes the desire and mindset to engage in illegal activity. An act that contravenes the law is a crime. By offering solutions to criminal behavior, criminal psychology seeks to exert control.²

This study seeks to define criminal psychology, examine the role of psychology in criminal psychology, assess the relationship between psychology, crime, and criminal conduct, and analyze the advantages and disadvantages of the theories in explaining the reasons behind criminal behavior and offending.

Keywords: Crime, Criminal Psychology, Psychological Factors, Criminality, Criminal Behavior

¹ The International Journal of Indian Psychology; <http://www.ijip.in> (last visited on August 5, 2025)

² *ibid*

INTRODUCTION

Psychology is scientific research of human and animal conduct with the goal of describing, explaining, predicting, and controlling conduct. Psychology is an empirical investigation of behavior.³

Psychology's horizons have been broadened by the new perspectives. It has also affected criminal behavior and the law. Because of this, criminal psychology has emerged as a distinct subject. Additionally, criminal psychology is a specialist profession with enormous potential that is expanding today.⁴

A "crime" is an act that violates the law, whereas a "criminality" indicates the desire and attitude to commit crimes. The purpose of criminal psychology is to control crime by offering remedies for criminal behavior. Due to its situational and contextual aspect, crime can be difficult to define as such. It is considered a valiant and patriotic act when a soldier in a conflict murders a member of the opposing army. However, if citizens conduct it among themselves, it is considered a crime. It is important to consider if a civilian crime was undertaken under societal pressure, in self-defense, or while under the influence of drugs or alcohol. Therefore, the legal notion of crime emphasizes a conduct that is against the law.⁵

Comprehending criminal psychology is essential as it enables us to describe, elucidate, predict, and regulate criminal conduct. Criminal behavior, outlined by personality, attitude, physiology, learning, motivation, reasoning, and other mental components that influence the commission of a crime or the desire to do one, is the subject of criminal psychology. The purpose of the paper is to explain criminal psychology and assist readers in comprehending how it relates to the law.⁶

BEHAVIORAL ANALYSIS OF CRIMINALS

Criminal behavior, which encompasses personality, attitude, physiology, learning, motivation, thinking, and other cognitive factors that influence criminal behavior or criminal intents, is the subject of criminal psychology. Knowing the psychology of criminals is crucial because it helps

³ INFLIBNET Centre; <https://epgp.inflibnet.ac.in> (last visited on August 5, 2025)

⁴ *ibid*

⁵ iPleader; <https://blog.ipleaders.in> (last visited on August 5, 2025)

⁶ *ibid*

us characterize, explain, forecast, and regulate their behavior.⁷

Modern criminal psychology has been made possible by the observable growth of the field, even if the concept was initially proposed in the early 20th century. Like other topics addressed by psychology, it is neither a theoretical nor a limited concept. It is thought to be one of the most crucial therapeutic strategies for exposing the actual reasons and motivations underlying any criminal conduct in a court of law.⁸

Hans Toch, a psychologist, wrote and published the first book on criminal psychology in 1961. In the early 1960s, the distinction between psychological criminology and psychometrics was first made.⁹

The two main subfields of psychology that have given rise to criminal psychology are: Clinical psychology and Social psychology.¹⁰

One important and specialized branch of psychology that helps with understanding criminal behavior and associated difficulties is social psychology. Group behavior is the main subject of social psychology. It aids in our understanding of how individuals behave around one another and how the beliefs and actions of others influence how those around us see and think. Competition, collaboration, mob behavior, leadership, group behavior, internal and external variables influencing group behavior, and other important issues are all addressed by Social Psychology.¹¹

Humans are said to be gregarious beings. Even while social norms dictate the majority of human behavior, societal culture has an impact on what constitutes appropriate and inappropriate behavior, ethical and unethical behavior, and the meanings associated with these terms. We can understand the social environment of a crime and the elements that influence its behavior thanks to public policy.¹²

Clinical psychology is the branch of psychology that focuses on diagnosing and treating mental health issues in real-world situations utilizing research technique and findings. Clinical

⁷ INFLIBNET Centre; <https://epgp.inflibnet.ac.in> (last visited on August 8, 2025)

⁸ iPleader; <https://blog.ipleaders.in> (last visited on August 8, 2025)

⁹ *ibid*

¹⁰ INFLIBNET Centre; <https://epgp.inflibnet.ac.in> (last visited on August 8, 2025)

¹¹ *ibid*

¹² iPleader; <https://blog.ipleaders.in> (last visited on August 8, 2025)

psychologists divide their core responsibilities into three main categories: research, treatment, and assessment (including diagnosis), hospitals as well as enterprises.¹³

Some Clinical Psychologists specialize in treating geriatric patients, drug and alcohol abusers, inmates, and those with physical or mental illnesses. In certain cases, a clinical psychologist works with a social worker and a psychiatrist and is responsible for doing research for the team. While some clinical psychologists work with courts to examine defendants or prospective parolees, others are engaged by the military to evaluate or treat service members.¹⁴

RISE OF CRIMINAL PSYCHOLOGY AND CRIMINOLOGY IN INDIA

Although psychology and crime are obviously two distinct concepts and disciplines, they are both significant and interconnected. Psychology is a scientific discipline that studies behavior, including criminal behavior.¹⁵

Various school of thinking of Psychology enables and encourages the knowledge of behaviours. There are three schools of thinking in psychology: psychoanalysis, behaviorism, and humanistic.¹⁶

Psychology and crime are closely related, and the following characteristics or examples can assist you grasp how they interact:¹⁷

- Abusive or neglected children have a unique viewpoint and perception on the world; they are more likely to commit crimes as adults. People who experienced tangible or psychological assault as youngsters or antisocial behavior as adults are more likely to perpetrate these behaviors on their children, who will then inevitably continue the cycle.
- Most of the time, they think they are getting the same power as their abuser when they execute an offense against someone else. Social pressure has a substantial influence on a person's choice to commit a crime.¹⁸

¹³ *ibid*

¹⁴ *ibid*

¹⁵ INFLIBNET Centre; <https://epgp.inflibnet.ac.in> (last visited on August 8, 2025)

¹⁶ *ibid*

¹⁷ iPleader; <https://blog.ipleaders.in> (last visited on August 8, 2025)

¹⁸ *ibid*

- When young boys and girls are bullied or don't exactly fit the mold of modern society, they often turn to drug use, which is illegal in and of itself, to get the confidence to commit more serious crimes.
- People who feel undervalued or who believe they are not taken seriously may turn to crime as a last option in an attempt to win the respect of people around them. It is evident from the graph of those who are more likely to conduct crimes that illiteracy also affects that chance.¹⁹

INTERFACING CRIMINAL PSYCHOLOGY INTO LEGAL PRACTICE

When the police, lawyers, or courts request that forensic psychologists examine and assess offenders, the forensic psychologist's work begins. They use the data they collect throughout this period as evidence in court. Under a court order, a forensic psychologist may assist in the rehabilitation of a victim or offender in a medico-legal ward.²⁰

According to **Section 45 of the Indian Evidence Act of 1872**, "Experts may be consulted by the court whenever a decision needs to be made regarding a matter of foreign law, science, or art or regarding the identification of handwriting, and their opinion is deemed significant."²¹

The IPC's Section 377, which deals with "unnatural offences," was initially enacted in 1861, during the British colonial era in India. Because they were not considered human, those who identified as gay were denied the same basic rights as everyone else. Pure science describes how a person's brain functions and reacts to persons of the same sex. Society cannot disregard the notion, which has been occasionally backed and validated by a number of researches in biological and psychological science.²²

Forensic psychologists will help shed light on the "*mens rea*," or the mental state of the person who frequently enters a not guilty plea while testifying at a trial of the subject. When a person enters a guilty plea and claims they were impaired by drugs or alcohol or were unaware that they were doing it, the defense has the opportunity to request a lighter sentence or ask the judge to postpone making a decision.²³

¹⁹ *ibid*

²⁰ The Amikus Qria; <https://theamikusqriae.com> (last visited on August 10, 2025)

²¹ iPleader; <https://blog.ipleaders.in> (last visited on August 10, 2025)

²² The Amikus Qria; <https://theamikusqriae.com> (last visited on August 10, 2025)

²³ iPleader; <https://blog.ipleaders.in> (last visited on August 10, 2025)

Forensic psychologists are also permitted to contribute their knowledge of criminal investigations under **Section 45 of the Indian Evidence Act 1872**. This permits psychologists to tailor their forensic techniques to the specific requirements of each case.²⁴

Psychology is covered by a number of laws and acts, including

- **Section 84 of the Indian Penal Code,**
- **the Mental Health Act of 1987,**
- **the Lunatic Act of 1912²⁵**

The Act of a Person of Unsound Mind defined under **Section 84 of the Indian Penal Code**, states that if someone commits an offense due to mental illness and is unaware of the nature of their actions; they are not breaking the law.²⁶

The Mental Health Act, 1987²⁷

To improve the care and treatment of people with mental illnesses, the Mental Health Act (MHA) 1987 was passed. The Act included provisions pertaining to the administration of mentally ill people's property and affairs. The Act also offers protection of human rights of mentally ill individuals. The MHA 1987 comprises 10 chapters and 98 parts.²⁸

SCOPE OF IMPLEMENTATION AND SYSTEMIC BARRIERS

The following are some valuable talents that psychologists still possess that can contribute in improving the criminal justice system:

When people are confined or their ideas are unstable, they frequently commit crimes. Similar offenders are punished less severely than a reasonable person. Forensic psychologists can assess the offender's mental state in such a situation and establish whether or not they are in the

²⁴ The Amikus Qria; <https://theamikusqriae.com> (last visited on August 10, 2025)

²⁵ *ibid*

²⁶ Section 84; Indian Penal Code, 1960

²⁷ The Mental Health Act, 1987

²⁸ The Amikus Qria; <https://theamikusqriae.com> (last visited on August 10, 2025)

appropriate condition. It can help develop suitable punishments for illegal activity.²⁹

Many criminals with mental illnesses are likely to harm themselves or other prisoners. These individuals receive unique accommodations in rooms designed to meet their cognitive needs. The best site for comparable criminals to be imprisoned and a reasonable sentence could be proposed by forensic psychologists.³⁰

The legal system can benefit from the services of forensic psychologists by providing a few benefits such as those mentioned above. A judicial system must be comprehensive and transparent before it can punish offenders. Forensic psychologists are used to help the court relate the crimes committed and decide on appropriate punishments.³¹

Forensic psychologists can provide supplementary evidence to aid the jury in reaching a decision. In cases where there is insufficient evidence, the outcome can drastically change with a few flaws. In these cases, forensic psychologists can be helpful by commenting and providing more information about the criminal's behavior and reasons for committing the crime.³²

ROLE OF JUDICIARY IN SHAPING PSYCHO-CRIMINOLOGY

*Bapu @ Gajraj Singh v. State of Rajasthan*³³

The appellant was found guilty of burning his wife to death. The deceased's final statement and circumstantial evidence served as the main foundation for the conviction. On appeal, however, the Supreme Court determined that the appellant's guilt was not shown by circumstantial evidence, and the deathbed declaration was unreliable and inconsistent. The court granted the accused the benefit of the doubt and cleared him as the prosecution was unable to establish the case beyond a reasonable doubt.³⁴

*The Stoneman murder case*³⁵

Nine persons were brutally murdered in 1989 by having the tops of their skulls smashed with a

²⁹ Legal Vidhiya; <https://legalvidhiya.com> (last visited on August 15, 2025)

³⁰ The Amikus Qria; <https://theamikusqriae.com> (last visited on August 15, 2025)

³¹ iPleader; <https://blog.ipleaders.in> (last visited on August 15, 2025)

³² The Amikus Qria; <https://theamikusqriae.com> (last visited on August 15, 2025)

³³ Bapu @ Gajraj Singh v. State of Rajasthan (2007) 8 SCC 66

³⁴ iKanoon; <https://indiankanoon.org> (last visited on August 20, 2025)

³⁵ The Stoneman Murder Case (1989 Calcutta)

huge blunt instrument, in one of the most notorious unsolved murders in Indian history. A Calcutta newspaper called the unnamed killer "The Stoneman," but the stone man has not been located, and the murders' riddle has not been resolved.³⁶

Surendra Mishra v. State of Jharkhand³⁷

The defendant was found guilty of shooting Chandrashekhar Choubey at close range in the vicinity of Dhanbad. The defence sought protection under Section 84 of the Indian Penal Code, arguing that the accused was mentally ill. The accused had a history of receiving mental care, but the court rejected this plea, stating that there was no proof that he was insane at the time of the offense. He was aware of the nature and wrongness of his act, as evidenced by his post-crime actions, which included threatening the driver and trying to conceal the weapon. He was sentenced to life in prison after the court sustained his conviction under Sections 302 IPC and 27 of the Arms Act.³⁸

Lady Cyanide or Cyanide Mallika³⁹

From 1999 to 2007, Mallika, a Bangalore resident, murdered six other women. She used cyanide to murder lower-middle-class ladies who had suffered domestic violence while stealing them of their possessions and jewelry. She was caught in 2007 and sentenced to life in prison.⁴⁰

Dahyabhai Chhaganbhai Thakkar v. State of Gujarat⁴¹

The appellant was charged with killing his wife by repeatedly stabbing her. He claimed to have been mentally ill at the time of the offense and entered a plea of insanity under Section 84 of the Indian Penal Code. But according to the Supreme Court, it is the accused's responsibility to demonstrate legal insanity, and in this instance, there was not enough evidence to show that he was unable to comprehend the nature or wrongness of his actions. The Court stressed that the accused might successfully use an insanity defense by presenting a reasonable question about his mental condition, even though the prosecution must show guilt beyond a reasonable doubt.

³⁶ Los Angeles Times; <https://www.latimes.com> (last visited on August 25, 2025)

³⁷ Surendra Mishra v. State of Jharkhand 2005 (4) JCR 439 (Jhr)

³⁸ Casemine; <https://www.casemine.com> (last visited on August 25, 2025)

³⁹ K.D. Kempamma v. State of Karnataka Criminal Appeal No. 2055 of 2011, decided on 18 January, 2012

⁴⁰ Legal Vidhiya; <https://legalvidhiya.com> (last visited on August 25, 2025)

⁴¹ Dahyabhai Chhanganbhai Thakkar v. State of Gujarat AIR 1964 SC 1563

The conviction and life sentence were affirmed by the court since no such doubt was expressed.⁴²

Nithari Case⁴³

In the Nithari village on the outskirts of Noida, the skulls of missing children were discovered. Mohinder Singh Pandher, a businessman, and his domestic servant, Surinder Kohli, were arrested and taken into custody. The prosecution found Mohinder guilty of 11 unsolved murders and Surinder guilty of 5 murders. Both were sentenced to death.⁴⁴

State v. Sanjay⁴⁵

A violent case involving the rape and murder of a kid was heard by the Delhi court. To ascertain the accused's intentions and state of mind, the court heavily relied on behavioral analysis and forensic psychological profiling. By showing how psychological insights can help establish intent, planning, and the nature of the crime, this case demonstrated the expanding role of forensic psychiatry and criminal psychology in contemporary criminal investigations and trials, which in turn influences the results of the investigation and the court.⁴⁶

Ratan Lal v. State of Madhya Pradesh⁴⁷

In this murder case where the accused killed while experiencing a transient mental instability as a result of severe provocation, the Supreme Court addressed the question of reduced responsibility. The Court acknowledged that provocation might lessen guilt, but it does not totally clear the accused unless it results in a lack of self-control that makes it impossible to hold them entirely accountable for their deeds. The ruling introduced sophisticated considerations of mental condition in evaluating mens rea by stressing the significance of evaluating the accused's psychological state at the time of the offense in order to ascertain the extent of criminal guilt.⁴⁸

⁴² The Legal Lock; <https://thelegallock.com> (last visited on September 1, 2025)

⁴³ Surendra Koli v. State of Uttar Pradesh & Ors. (2011) 4 SCC 80

⁴⁴ Legal Vidhiya; <https://legalvidhiya.com> (last visited on September 1, 2025)

⁴⁵ State v. Sanjay 2017 SCC OnLine Del 7228

⁴⁶ iKanoon; <https://indiankanoon.org> (last visited on September 5, 2025)

⁴⁷ Ratan Lal v. State of Madhya Pradesh AIR 1971 SC 778

⁴⁸ Legal Vidhiya; <https://legalvidhiya.com> (last visited on September 5, 2025)

Amrit Bhushan Gupta v. Union of India⁴⁹

In 1968, Amrit Bhushan Gupta was found guilty of attempted murder and given the death penalty for burning alive three sleeping children in Srinivas Puri, ages 14, 8, and 5. Following his conviction and the Delhi High Court's confirmation of the death sentence, Gupta's family argued that he had gone mad and filed a petition to halt his execution. He did, in fact, have chronic schizophrenia, according to medical investigations, which also revealed delusions (such that he was a Christ-incarnate), hallucinations, disordered thinking, and sadness. The Supreme Court stressed that legal insanity under Section 84 IPC must have existed at the time of the offense, ruling that the law did not grant it the authority to halt execution just because the convicted person had gone mad after being found guilty. The Court upheld the death penalty and rejected the appeals and pleas for compassion.⁵⁰

FINAL ANALYSIS AND FUTURE IMPACT

With its ability to bridge the gap between behavioral science and law, criminal psychology is set to become more and more significant in the legal system. The criminal mind will be more understood in the future because to developments in neuroscience. Courts will be able to evaluate reduced responsibility, impulse control, and psychopathy using methods like brain imaging. The emergence of big data and artificial intelligence will also improve the accuracy of psychological profiling, but it also brings up important questions of fairness, prejudice, and ethical abuse. Globally, criminal psychology will also propel a change in judicial systems from a punitive to a rehabilitation-focused paradigm that makes use of virtual reality-based training, treatments, and community correction initiatives, especially in the juvenile justice system.⁵¹

Psychiatric examination has already been introduced into Indian courts under Section 84 of the IPC, and future cases will probably call for standardized procedures and expert witness, elevating forensic psychology as a profession and an academic discipline. Its course will also be influenced by human rights issues, since judges are obligated to guarantee the humane treatment of mentally ill criminals and to carefully consider instances involving the death penalty.⁵²

⁴⁹ Amrit Bhushan Gupta v. Union of India AIR 1977 Cal 366

⁵⁰ Legal Authority; <https://www.legalauthority.in> (last visited on September 5, 2025)

⁵¹ The International Journal of Indian Psychology; <https://ijip.in> (last visited on September 15, 2025)

⁵² *ibid*

In addition to explaining why crimes are done, criminal psychology helps courts assign blame and develop offender management strategies. In instances like *Dahyabhai v. State of Gujarat* and *Shrikant Anandrao Bhosale v. State of Maharashtra*, where psychological evidence was crucial, Indian law has previously acknowledged its usefulness, while international examples like *M'Naghten and Atkins v. Virginia* demonstrate its influence on a global scale. However, the field must strike a balance between scientific discoveries and the ideas of justice, responsibility, and free choice. In the end, criminal psychology's future lies not only in punishment but also in prevention and rehabilitation, providing society with a way to lower crime through methods that are morally sound, compassionate, and supported by data.⁵³

⁵³ iPleader; <https://blog.ipleaders.in> (last visited on September 15, 2025)

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