

HURT

(Sections-319 to 338) IPC



Hurt: - It is divided into two categories –

First - hurt , and

Second - grievous hurt

Section **319** deals with hurt, and

section **320** describes grievous hurt.

Section 319 :- Hurt : This section does not define the offence of causing hurt. It defines only the term 'hurt'.



According to this sec.:- whoever causes **bodily pain**, disease or **infirmity** to any person is said to cause hurt.

- i) **whoever causes bodily pain** :- excludes mental pain.
- ii) **Disease:** A person communicating a specific disease to another would be guilty of hurt. It must, however, be done by contact.
- iii) **Infirmity** : An infirmity is a disease, or it may be weakness.

'infirmity' denotes an unsound or unhealthy state of the body.

- iv) **To any person** :- The person causing hurt must be other than the sufferer himself for self inflicted is not within definition.

A push on the neck is hurt?



GREVIOUS HURT

Section 320 :- According to this Section the following kinds of hurt only are designated as “**grievous**” :-

First - Emasculation :- the act of depriving of virility and it is naturally applies only to man.

Secondly – Permanent privation of the sight of either eye.

Thirdly – Permanent privation of the hearing of either ear.

Fourthly – Privation of any member or joint.

Fifthly – Destruction or permanent impairing of the powers of any member or joint.

Sixthly – Permanent disfiguration of the head or face.

Seventhly – Fracture or dislocation of a bone or tooth.

Eighthly – Any hurt which endangers life **or** which causes the sufferer to be during the space of twenty days in severe bodily pain, **or** unable to follow his ordinary pursuits.

Clause 8. – This clause speaks of two things:

- (1) Any hurt which endangers life, and
- (2) Any hurt which causes the sufferer to be during the space of twenty days
 - (a) In severe bodily pain, **or**
 - (b) Unable to follow his ordinary pursuits.

The line between culpable homicide not amounting to murder and grievous hurt is a very thin line.

In the one case the injuries must be such as endanger life.

321. Voluntarily causing hurt.

ESSENTIAL INGREDIENTS

- (a) A Person does any act –**
 - (i) With the intention of thereby causing hurt to any person or,**
 - (ii) With the knowledge that he is likely thereby to cause hurt to any person.**
- (b) He thereby causes hurt to any person.**

Section – 322 – Voluntarily causing grievous hurt.

ESSENTIAL INGREDIENTS

- (a) A Person voluntarily causes hurt;
- (b) The hurt which he intends to cause, or knows himself to be likely to cause, is grievous hurt;
- (c) The hurt which he causes is grievous hurt.

**Section – 323 – Providing punishment for hurt &
Section 325 for voluntarily causing grievous hurt.**

*Section - 324 & 326 are related to the voluntarily causing hurt or grievous hurt by **dangerous weapons or means***

Section – 324 – Punishment for voluntarily causing hurt by dangerous weapons or means

Section – 326 – Punishment for voluntarily causing **grievous hurt by dangerous weapons or means**

These sections presents aggravating feature may be present in a case of hurt or grievous hurt.

The only circumstances which enhances the crime in the dangerous character of the instrument employed in causing hurt or grievous hurt.

They are stated to be instruments for shooting, stabbing, cutting

Shooting- - An instrument for shooting may be a gun or revolver or it may be arrow.

Stabbing- - An instrument for stabbing it includes not only instruments specially designed and made for stabbing such as dagger, kukri, but all sharp edged or pointed instruments which are capable for stabbing, like sword or a knife.

Cutting - - Includes instruments which will cut.

Next clause – in an instrument which may used as a weapon of offence is likely to cause death, is more general such instrument may be of any kind or description.

Deadly Weapon:means- A weapon becomes deadly when it is used as such a weapon and has that effect upon the victims.

Section-326A (Inserted in 2013)

Voluntarily causing grievous hurt by use of acid, etc.-

Throwing or administering acid is punishable with imprisonment of minimum 10 years and maximum life imprisonment with fine.

Cognizable, Non- Bailable Triable by court of session



Section-326B (Inserted in 2013)

Voluntarily throwing or attempting to throw acid.-

Whoever throws **or** attempts to throw acid on any person **or** attempts to administer acid to any person, **or** attempts to use any other means, with the intention of causing permanent **or** partial damage **or** deformity **or** burns **or** maiming **or** disfigurement **or** disability **or** grievous hurt to that person, shall be punished with-

minu - 05 years & mix- 07 years imprisonment **with** fine.

Section – 328 – **Causing hurt by means of poisoning, etc with intent to commit an offence.**

This section is merely an extension of the provisions of sec. 324 where actual causing of hurt is essential:

under this section mere administration of poison is sufficient to bring the offender to justice



This table is helpful for the understanding of penal Sections of Hurt & Grievous Hurt

Hurt (sec. 319)	Grievous hurt (sec. 320)
1) Section 321 voluntarily causing hurt	Section 322 voluntarily causing grievous hurt
2.) Section 323 – punishment for voluntarily causing hurt (<i>Non-cognizable, bailable</i>) imp- up to one year, or fine up to 1000 rupees, or both.	Section 325 – punishment for voluntarily causing grievous hurt (<i>Cognizable, bailable</i>) imp- t up to seven years and fine.

3.) **Section 324** – Punishment for voluntarily causing hurt by Dangerous weapons or means (*Cognizable, Non-bailable*) imprisonment up to three years, or fine, or both

Section-326 – Punishment for voluntarily causing grievous hurt by dangerous weapons or means (*Cognizable, non-bailable*) imprisonment for life or imprisonment up to ten years, and fine.

Section-326A (Inserted in 2013)
Voluntarily causing grievous hurt by use of acid, etc.-

(Cognizable, Non-Bailable)

Section-326B (Inserted in 2013)
Voluntarily throwing or attempting to throw acid.-
(Cognizable, Non- bailable)

4.) **Section 327.** – voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.
(Cognizable, non-bailable)

imp- up to ten years and fine.

Section 328 causing hurt by means of poison etc. with intent to commit an offence.

(Cognizable, non-bailable)

imprisonment up to ten years and fine

Section – 329 – voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.

(Cognizable, non-bailable)

Imp- for life, **or** imprisonment up to ten years **and** fine.

5.) **Section 330** – voluntarily causing hurt to extort confession, or information, or to compel restoration of property.

(Cognizable, bailable)

imp-up to seven years and fine.

Section 331. – voluntarily causing grievous hurt to extort confession, or information, or to compel restoration of property.

(Cognizable non-bailable)

imp up to ten years and fine.

6.) **Section 332** – Voluntarily causing hurt to deter public servant from his duty

(Cognizable, bailable)

imprisonment up to three years or fine, or both.

Section 333 – voluntarily causing grievous hurt to deter public servant from his duty.

(Cognizable, non-bailable)

imprisonment up to ten years and fine.

7.) Section 334 – voluntarily causing hurt on provocation (*Non-cognizable, bailable*) imprisonment up to one month, or fine up to 500 rupees, or both.

Section 335 – voluntarily causing grievous hurt on provocation (*Cognizable, bailable*) imprisonment up to four years, or fine up to 2000 rupees, or both.

8.) Section 337 – Causing hurt by an act which endangers human life, etc.
(*Cognizable, bailable*)
imp- up to six months, or fine up to 500 rupees, or both.

Section 338– Causing grievous hurt by an act which endangers human life, etc.
(*Cognizable, bailable*)
imp- up to two years, or fine up to 1,000 rupees, or both.

Check List of Hurt Case

U/s 323, 324, 325, 326, 307, 308 ,IPC

1. **Information :-** How it received-

a) DD entry/PCR Call/Telephone call.

b) Complainant/injured person.

c) Self on patrolling/Investigation Person.

2. Departure to the scene of occurrence/Crime.
3. Removal of injured persons to the nearest Hospital & his relatives/family members to be informed.
4. Registration of case on the statement of injured person/eye witness.

5. If no eye witness is available then collect M.L.C. from hospital and register a case on the basis of information, site inspection, condition of injured person & M.L.C. report.
 - i) If injuries are simple caused by blunt object, no case will be registered.
 - ii) Injuries are simple caused by sharp/pointed object case u/s 324 I.P.C.
 - iii) Grievous injuries by blunt object case u/s 325 I.P.C.etc.

iv)-Grievous hurt by dangerous weapon or means
case u/s 326 I.P.C.

v) - Injuries/attempt to murder case u/s 307 I.P.C.

vi) Injuries by blunt object in attempt to commit
culpable homicide case u/s 308 I.P.C.

(Copy of FIR to be given to the complaint.)

6. Site inspection & Collection of physical clues from the
scene of crime after photography.

7. Preparation of site plan.
8. Preparation of seizure memo take all physical evidence into possession i.e. Blood sample earth, Weapon of offence, clothes, etc.
9. Statement all concerned witnesses u/s 161 Cr. P.C. statement showing motive, act by each & every accused, words uttered his position visibility, time & place

10. Clothes of injured worn at the time of incident has to be taken into possession from hospital or from his house.
11. Immediate arrest of the accused persons and
 - (a) their identity is to be fixed
 - (b) Their clothes worn at the time of occurrence has to be seized
 - (c) The weapon of offence is to be recovered
 - (d) The accused has to be got medically examined.

12. Filling of the arrest form and other relevant forms related to accused.
13. The weapon of offence to be shown to doctor/expert for taking opinion that injuries were caused by weapon.
14. Take NBW against the accused persons if not arrested inspite of best efforts/absconding.

15. Preparation of challan/Final report.

- (a) Exhibits to be sent to FSL/CFSL with proper quarries & result report be collected as soon as possible.)
- (b) All exhibits to be deposited in Malkhana on the same day when seized.

16. Immediate collection of result from all concerned places i.e. CFSL/FSL/FPB/ Hospital/arms expert etc.