

Subject: Law

Production of Courseware  
e-Content for Post Graduate Courses



Paper : Substantive Criminal Law

Module : Hurt & Grievous Hurt including Acid Attacks



## HURT & GRIEVOUS HURT INCLUDING ACID ATTACKS

### Quadrant I: Description of Module

Description of Module	
Subject Name	Law
Paper Name	Substantive Criminal Law
Module Name/Title	Hurt & Grievous Hurt including Acid Attacks
Module Id	9
Pre-requisites	A general understanding of the fundamental principles of criminal law.
Objectives	<ul style="list-style-type: none"><li>➤ To introduce theoretical analysis of law</li><li>➤ To enable students to acquaint students with the diversity of conceptual perspectives informing the discipline of law</li></ul>
Key Words	Hurt, Grievous Hurt, Acid Attack

### Quadrant II: E-Text

#### INTRODUCTION

The framers found it difficult to draw a line between those bodily hurts which are serious and those which are slight. They observed that to draw such a line with perfect accuracy was absolutely impossible.<sup>1</sup> Therefore, certain kinds of hurt were designated as grievous.

In English Law actual infliction of bodily injury is called *battery*. Assault in English law is an attempt to cause injury to another and whoever by show of force and gestures creates a reasonable apprehension of danger to life or limb in the mind of another is guilty of assault. Actual infliction of injury is battery. Hurt is equivalent to battery in English Law.<sup>2</sup> Kenny designates assault as non-sexual offence non-fatal in character. These fall roughly into two classes, (a) those which occasion actual bodily harm, and (b) those in which actual bodily harm is not essential. As in the case of homicide, so in the case of non-fatal hurt, it must be remembered that an *actus reus* is essential and that there are many instances in which to use force against, or even to hurt, another person does not constitute an *actus reus*. For, it may be commanded by the law, e.g. in the execution of sentence on a convicted offender, in preventing a breach of the peace, in arresting a felon, or forcibly feeding a hunger-striking

<sup>1</sup> Excerpts of Lord Macaulay Report cited from Ratanlal & Dhirajlal, The Indian Penal Code, 22<sup>nd</sup> Edition, 2010, LexisNexis, Gurgaon, p. 1813

<sup>2</sup> Ratanlal & Dhirajlal, The Indian Penal Code, 22<sup>nd</sup> Edition, 2010, LexisNexis, Gurgaon, p. 1813



prisoner; or it may be permitted as an act of self-defence (in which circumstances the harm inflicted is justified); or it may be legally permitted as in surgical operations, in the correction of your children or the scholars or apprentices who have been placed under one's authority, and in recognized sports and pastimes (in which circumstances it is excusable).<sup>3</sup>

## **HURT**

Hurt may be defined as the bodily pain which is caused by actual contact with the body by an aggravated assault<sup>4</sup>. There is no radical difference between assault and hurt.<sup>5</sup> Section 319 of the Indian Penal Code, 1860 (hereinafter "IPC") defines Hurt as: "*Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt*". The section does not define the offence of causing hurt. It defines only the term **hurt** and does not describe the circumstances under which it may be caused.

**Bodily Pain:** The pain must be **bodily** and not mental. A person, causing bodily pain to another, is said to cause 'hurt'.<sup>6</sup> Where the direct result of an act is the causing of bodily pain it is hurt whatever be the means employed to cause it.<sup>7</sup> A person who deliberately sets out to cause shock to somebody with a weak heart and succeeds in doing so, he is said to have caused hurt.<sup>8</sup> Any bodily pain due to administration of drugs will be covered under 'hurt'.<sup>9</sup> When the injury is not serious and there is no intention to cause death, or grievous hurt, the accused would be guilty of causing hurt only, even though death is caused.<sup>10</sup>

**Disease:** A communication of **disease** from one person to another by way of contact would constitute hurt. However, the position is unclear with respect to transmission of sexual diseases from one person to another. For instance, a prostitute who had sexual intercourse with a person and thereby communicated syphilis was held liable under section 269, IPC for spreading infection and not for causing hurt because the interval between the act and disease was too remote to attract section 319, IPC.<sup>11</sup>

**Infirmity:** Infirmity denotes unhealthy state of body or mind and a state of temporary mental impairment or hysteria or terror would constitute infirmity within the meaning

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<sup>3</sup> J.W.C.Turner, Kenny's Outlines of Criminal Law, 19<sup>th</sup> Edition, Universal Law Publishing, Delhi, p.206

<sup>4</sup> Sec. 151, IPC defines Assault

<sup>5</sup> Hari Singh Gour, Penal Law of India, Vol III, 11<sup>th</sup> Edition, 2009, Law Publishers, Allahabad, p. 3198

<sup>6</sup> S.K.Sarvaria, R.A.Nelson's Indian Penal Code, Vol. 3, 9<sup>th</sup> Edition, LexisNexis, New Delhi, p.3307

<sup>7</sup> K.D.Gaur, Textbook on The Indian Penal Code, 4<sup>th</sup> Edition, 2009, Universal Law Publishers, New Delhi, p.574

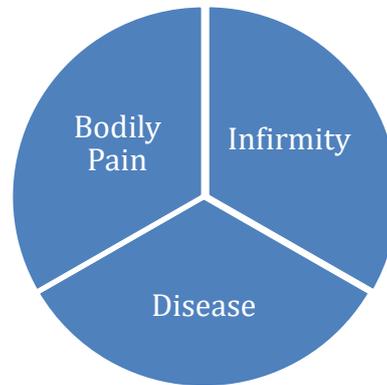
<sup>8</sup> Hari Singh Gour, Penal Law of India, Vol III, 11<sup>th</sup> Edition, 2009, Law Publishers, Allahabad, p. 3200

<sup>9</sup> Anis v. Emperor, AIR 1924 All 225

<sup>10</sup> Dhani Ram v. Emperor, (1913) 14 Cr LJ 104

<sup>11</sup> Raka v. Emperor, 1887 ILR 11 Bom 59

of this expression in the section.<sup>12</sup> It is an inability of an organ to perform its normal function, whether temporarily or permanently.<sup>13</sup> It may be brought on by administration of a deleterious or poisonous substance or by taking of alcohol administered by any other person.



**Figure 1: Hurt**

**Section 321**, IPC defines **voluntarily causing hurt** as: *Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt".*

What constitutes a particular offence depends not only upon the nature of the act done (*actus reus*) but also upon the nature of intention or knowledge (*mens rea*) with which it is done. Section 319 described the nature of the *actus reus*, which would constitute the offence of voluntarily causing hurt, punishable under section 323, and section 321 describes the *mens rea* necessary to constitute that offence.<sup>14</sup> Intention and knowledge must be proved. The person actually hurt need not necessarily be the person who was intended to be hurt. Section 321 describes the circumstances that clothe the act with elements of criminality, making it an offence. The circumstances are- (a) doing of an act, (b) with the intention or knowledge of causing hurt, (c) to any person.

**Section 323**, IPC prescribes **punishment for voluntarily causing hurt** as follows: *Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. It*

<sup>12</sup> Jashanmal v Brahmanand, AIR 1944 Sind 19

<sup>13</sup> Anis v. Emperor, AIR 1924 All 225

<sup>14</sup> S.K.Sarvaria, R.A.Nelson's Indian Penal Code, Vol. 3, 9<sup>th</sup> Edition, LexisNexis, New Delhi, p.3317



makes an exception only in cases of voluntarily causing hurt on provocation under section 334 for which a much lighter punishment is provided. However, voluntarily causing of hurt would not be an offence if the harm caused is do slight that no person of ordinary sense and temper would complain of such harm.<sup>15</sup> Also, it would not be an offence if any of the General Exceptions applies to it.

The essential ingredients of the offence under section 323 are that:<sup>16</sup> (a) hurt must be actually caused (sec. 319); and (b) it must be caused with the intention of causing it or with knowledge of its being likely to be caused. To constitute the offence of voluntarily causing hurt, there must be complete correspondence between the result and the intention or the knowledge of the accused.<sup>17</sup> So, the question whether the causing of any particular injury amounts to hurt depends upon the intention with which it was caused and the means that were adopted to cause it. However, there is no fixed criterion for judging the human mind. For instance, if a person beats another intending to do no more than cause him hurt and death ensues owing to an undisclosed disease, the accused would be liable for hurt caused and not death which was thereby occasioned.<sup>18</sup> Intention is the decisive factor under this section.

In *Vishwanath v. State of Gujarat*, the Gujarat High Court upheld the decision of the trial court, where the trial court convicted the accused mother-in-law under section 323, IPC slapping the deceased on the day of the incident during the course of the quarrel.<sup>19</sup>

In *Pichapillai v. State of Tamil Nadu*, the Madras High Court altered the conviction of the accused from section 304(II) to section 323, IPC observing that there was no intention of the accused to kill the deceased, where the accused pushed the deceased on the chest due to which deceased fell down on a stone which resulted in his death.<sup>20</sup> Similarly, in *D. Ram v. State of Rajasthan*, where the accused inflicted a single *lathi* blow on the head of the deceased causing simple injury, and the deceased died due to haemorrhage, the Rajasthan High Court altered the conviction from section 302 to section 323, holding that the accused did not have knowledge that a single blow of *lathi* could cause such injury as to result in death.<sup>21</sup>

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<sup>15</sup> *Yusuf Khan v Ibrahim Khan*, AIR 1966 SC 1773

<sup>16</sup> S.K.Sarvaria, R.A.Nelson's Indian Penal Code, Vol. 3, 9<sup>th</sup> Edition, LexisNexis, New Delhi, p.3323

<sup>17</sup> *Rambaran v State*, AIR 1958 Pat 452

<sup>18</sup> *Hari Singh Gour*, Penal Law of India, Vol III, 11<sup>th</sup> Edition, 2009, Law Publishers, Allahabad, p. 3221

<sup>19</sup> 2002 Cr LJ 3066 (Guj) (DB)

<sup>20</sup> 1996 Cr LJ 3634 (Mad)

<sup>21</sup> 1996 Cr LJ 3672 (Raj) (DB)



In *Jashanmal v. Brahmanand*,<sup>22</sup> where the accused landlord, in order to frighten the tenant's wife uttered a piercing sound and extended his arms towards her pointing a pistol, with a view to causing the couple to vacate the premises. She collapsed due to shock and fell ill for considerable time. The court held that the act was sufficient to cause a state of temporary mental impairment resulting in infirmity of the mind so as to attract hurt as defined in section 319.

Sections 324, 327, 328, 330, 332, 334 and 337, IPC prescribe punishment for causing hurt under various other circumstances.

### **GRIEVOUS HURT**

The draftsman of IPC found it difficult to draw a line between those bodily hurts, which are serious, and those which are slight. However, they designated certain kinds of hurts as grievous hurt.<sup>23</sup> Section 320, IPC only designates following kinds of hurt as grievous: *First* — Emasculation; *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.

**Emasculation:** The first kind of grievous hurt is depriving a person of his virility. This clause is confined to males only and was inserted to counteract the practice common in India for women to squeeze men's testicles on the slightest provocation.<sup>24</sup> Emasculation may be caused by inflicting such injury to the scrotum of a man as has the effect of rendering him impotent. The impotency caused must be permanent, and not merely temporary and curable.

**Injuring Eyesight:** Another injury of equal gravity is the permanent privation of the sight of either eye. Such injury must have the effect of permanently depriving the injured of the use of one or both of his eyes. The test of gravity is the permanency of the injury because it deprives a person of the use of his sight and also disfigures him.

**Causing Deafness:** The permanent privation of hearing of either ear is lesser serious than the above-mentioned injury as it does not disfigure a person, but only deprives

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<sup>22</sup> AIR 1944 Sind 19

<sup>23</sup> Hari Singh Gour, Penal Law of India, Vol III, 11<sup>th</sup> Edition, 2009, Law Publishers, Allahabad, p. 3204

<sup>24</sup> Hari Singh Gour, Penal Law of India, Vol III, 11<sup>th</sup> Edition, 2009, Law Publishers, Allahabad, p. 3205



him of the use of his ear. However, it is a serious injury to deprive a person of his sense of hearing. The deafness must be permanent to attract this provision. Such an injury may be caused by blow given on head, ear or those parts of head which communicate with and injure the auditory nerves or by thrusting a stick into the ear or putting into ear a substance which causes deafness.

**Loss of Limb:** Permanent privation of any member or joint is another grievous hurt, whereby a person is rendered less able to defend himself or to annoy his adversary.<sup>25</sup> ‘Member’ means nothing more than an organ or a limb. ‘Joint’ refers to a place where two or more bones or muscles join. Their permanent privation must involve such injury to them as makes them permanently stiff, so that they are unable to perform the normal function assigned to them in human physiology.

**Impairing of Limb:** The deprivation of a person to the use of member or joint involves lifelong crippling and makes a person defenceless and miserable. The provision speaks of destruction or permanent impairing of their powers, which would include not only total but also a particular use of the limb or joint. Any permanent decrease in their utility would constitute grievous hurt.

**Permanent Disfigurement of the Head or Face:** ‘Disfigure’ means to do a person some external injury which detracts from his personal appearance, but does not weaken him.<sup>26</sup> Branding a girl’s cheek with a red hot iron, if leaves permanent scars, amounts to disfigurement.<sup>27</sup> A cut on the bridge of the nose of a girl caused by a sharp weapon has been held to be permanent disfigurement even though the internal wall was intact.<sup>28</sup>

**Fracture or dislocation of a bone or tooth:** It is another species of grievous hurt, which may or may not be attended with permanent disability. A fractured or dislocated bone may be set or rejoin, but on account of the intense suffering to which it gives rise, the injury is termed as grievous. The primary meaning of the word fracture is ‘breaking’, though it is not necessary in case of fracture of skull bone that it should be divided into separate parts because it may consist merely of a crack; but if it is a crack, it must be a crack which extends from the outer surface of the skull to the inner surface.<sup>29</sup> If there is a break by cutting or splintering of the bone or there is a

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<sup>25</sup> S.K.Sarvaria, R.A.Nelson’s Indian Penal Code, Vol. 3, 9<sup>th</sup> Edition, LexisNexis, New Delhi, p.3310

<sup>26</sup> Hari Singh Gour, Penal Law of India, Vol III, 11<sup>th</sup> Edition, 2009, Law Publishers, Allahabad, p. 3207

<sup>27</sup> S.K.Sarvaria, R.A.Nelson’s Indian Penal Code, Vol. 3, 9<sup>th</sup> Edition, LexisNexis, New Delhi, p.3310

<sup>28</sup> Kedarmal v. Crown, 51 Cr LJ 799

<sup>29</sup> Maung Po Yi v. Ma E Tin, AIR 1937 Rang 253



rupture or fissure in it, would amount to a fracture within the meaning of cl.7 of section 320.<sup>30</sup> What has to be seen is whether the cuts in the bones noticed in the injury report are only superficial or do they effect a break in them.<sup>31</sup> ‘Dislocation’ means displacement, being applied to a bone removed from its normal connections with a neighbouring bone. A bone moved out of its socket or put out of its joint is a dislocated bone.

**Dangerous Hurt:** Three different classes of hurt are designated as dangerous hurt. These classes are independent of each other and a hurt of any of the three classes would be grievous hurt. An injury is said to endanger life if it may put the life of the injured in danger.<sup>32</sup> A simple injury cannot be called grievous because it happens to be caused on a vital part of the body unless the nature and dimensions of the injury, or its effects, are such that in the opinion of the doctor, it actually endangers the life of the victim.<sup>33</sup> There is a very thin line of difference between ‘hurt which endangers life’<sup>34</sup> and ‘injury as is likely to cause death’<sup>35</sup>. In *Mohammad Rafi v. Emperor*,<sup>36</sup> where the accused inflicted an injury on the neck of the deceased from behind, the Lahore High Court held the accused liable for under section 322 (voluntarily causing grievous hurt) for causing death by grievous hurt as against culpable homicide not amounting to murder. The expression ‘endangers life’ is much stronger than the expression ‘dangerous to life’.

With a view of the seriousness of the injury resulting in incapacitation of the victim for a minimum period of twenty days the Indian Penal Code has designated certain hurts as grievous though they might not be necessarily dangerous to life. A hurt may cause severe bodily pain, and yet not be dangerous to life. Such a hurt is grievous hurt. But it must be shown that such hurt was sufficient to cause severe bodily pain for twenty days. Otherwise, it may happen that such pain was caused but there may be nothing to show that it was caused in consequences of that injury.

Lastly, the test of grievousness is the sufferer’s inability to attend to his ordinary pursuits for a period of twenty days. In case, where the effect of injury does not last for twenty days, such a hurt cannot be designated as grievous. The regard must be

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<sup>30</sup> Horilal v. State of UP, AIR 1970 SC 1969

<sup>31</sup> Horilal v. State of UP, AIR 1970 SC 1969

<sup>32</sup> Ramla v. State, (1963) 1 Cr LJ 387

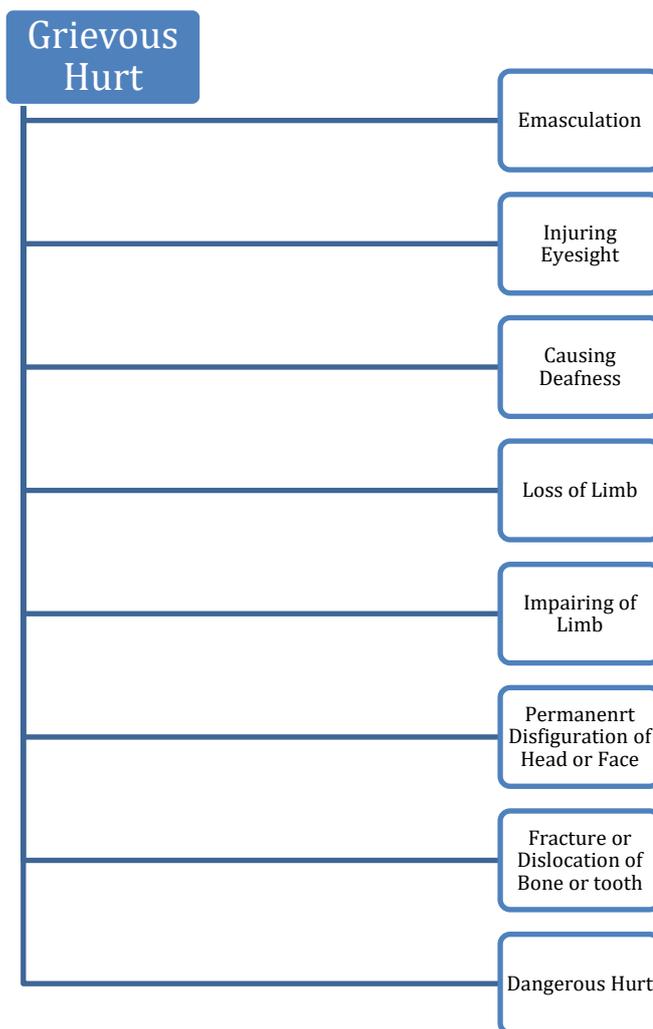
<sup>33</sup> Ramla v. State, (1963) 1 Cr LJ 387

<sup>34</sup> Section 320, IPC

<sup>35</sup> Section 299, IPC

<sup>36</sup> AIR 1930 Lah 305

given to the nature and severity of the injury along with the probability of disability which is likely to arise there from. The mere fact that a person remained in hospital for a statutory period of twenty days or did not attend his normal duty for the said period is not in itself sufficient to convict the accused for causing grievous hurt.<sup>37</sup> It must be proved that during that period victim was unable to follow his ordinary pursuits.<sup>38</sup> Also, the medical evidence has been considered to be reliable, but it is not legally necessary because the law does not say that the injured must get himself admitted to the hospital.<sup>39</sup>



**Figure 2: Grievous Hurt**

<sup>37</sup> Queen Emperor v. Vasta Chela, 1894 ILR 19 Bom 247

<sup>38</sup> Mithu Singh v. State of Punjab, 1980 Punj LR 639

<sup>39</sup> Jagannath v. State of UP, 1974 Cr LJ 1239 (All)



**Section 322**, IPC defines ‘voluntarily causing grievous hurt’ as follows: *Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said “voluntarily to cause grievous hurt.”* Explanation.—A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind. The explanation is self evident. But there must be evidence that what the accused had intended or known to be likely was not only hurt, but grievous hurt. In order to attract this provision, Court has to see that the accused intended to cause hurt, or that he knew that grievous hurt is likely to be caused and that such grievous hurt is actually caused. Even if the person knows himself likely to cause grievous hurt he is said to be voluntarily causing grievous hurt. In order that a person may be held guilty of an offence of causing grievous hurt, it must be proved that he either intended to cause or knew himself to be likely to cause grievous hurt and not otherwise.<sup>40</sup> The requirement in the explanation will be satisfied if the offender had the knowledge that by his act he was likely to cause grievous hurt. Explanation makes it clear that either the ingredient of intention or that of knowledge must be present in order to constitute the offence of grievous hurt. In order to determine whether a hurt is grievous one, the extent of the hurt and the intention of the offender have to be taken into account.

**Section 325**, IPC prescribes the punishment for voluntarily causing hurt as follows: *Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.* A person is said to voluntarily cause grievous hurt when the hurt caused by him, is of the nature of any of the kinds of hurts enumerated in section 320, IPC, and he intends or knows himself to be likely to cause grievous hurt.<sup>41</sup> The intention can be inferred from the circumstances of the case and the nature of injury caused.

In *Kalika Singh v. State of Uttar Pradesh*,<sup>42</sup> several injuries caused to complainant by accused by fists and *lathi* included a fracture caused to his left thumb by his fall on

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<sup>40</sup> Abdul Karim v. State of Maharashtra, 1978 Cr LJ 1485

<sup>41</sup> S.K.Sarvaria, R.A.Nelson’s Indian Penal Code, Vol. 3, 9<sup>th</sup> Edition, LexisNexis, New Delhi, p.3355

<sup>42</sup> 1981 Cr LJ 639 (All)



the ground during his beating by the accused. The Allahabad High Court held that the accused was liable under section 325, even though the fracture was caused by the fall and not by the *lathi*.

Sections 326, 329 331, 333, 335 and 338 prescribe punishment for causing grievous hurt under various other circumstances.

### **ACID ATTACK**

The 226<sup>th</sup> Report of Law Commission of India recommended the Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a law for Compensation for Victims of Crime. The Law Commission proposed the insertion of two sections in the IPC dealing with Acid Attacks after analysing the crime of acid attack, its impact on victim, laws relating to acid attacks in various countries and the decisions of various courts of India in matters related to acid attack. It was contended by those working for acid attack victims that the Criminal law relating to grievous hurts in Sections 320, 322, 325 and 326 of the Indian Penal Code (I.P.C) is insufficient to deal with the phenomenon of acid attacks.

Earlier the acid attack cases have been registered under different sections of the Indian Penal Code (IPC) particularly the sections relating to hurt, grievous hurt, grievous hurt by corrosive substances and attempt to murder and murder.

In some of the positive cases the accused have been charged with murder, as the intention of the attacker has been construed as an intention to kill the victim. Even in these positive cases however the amount of fine which has been levied has often been an insignificant amount. The victim has also often not been given this fine by the court.

In *Gulab Sahiblal Shaikh v. State of Maharashtra*, acid was thrown on a woman, while she was holding her two and a half year old baby, by her brother-in-law for refusing to give money to maintain her husband's second wife. She sustained acid burns on the left side of her face, left hand and left breast and both she and her infant daughter lost their eyesight. The woman finally died due to burn injuries. In this case, the brother-in-law was sentenced by the Court under Section 302 of IPC, to undergo imprisonment for life and pay a fine of Rs. 1000 and also sentenced to rigorous imprisonment for a month. Under Section 326 of the IPC he was awarded 5 years of imprisonment apart from a fine of Rs. 2000/-and 3 months of rigorous imprisonment. Though the accused was found guilty the learned Judge failed to appreciate that he



should levy an adequate amount as fine and give this fine to the victim's child, who suffered from the attack in multiple ways.<sup>43</sup>

In *Ram Charittar and Anr. etc. vs. State of Uttar Pradesh etc.*, the accused was the husband of the deceased, Sushila and wanted to kill her and their daughters, Bindu and Nandini to grab property as he was the immediate beneficiary to her estate. He poured acid over her to kill her. She received extensive burn injuries on large parts of their bodies including the face, chest, neck, etc. According to the Doctor the death was due to the corrosive acid burns and shock. The High Court convicted the appellants Ram Charittar and Kishori Lal under Section 302/34 IPC, and sentenced them to life imprisonment. The appeal for their acquittal was dismissed by the Hon'ble Supreme Court. No compensation was awarded to the victims.<sup>44</sup>

In most of the cases no compensation has been awarded. In those in which compensation has been awarded the sum is minimal and is totally inadequate to meet even the medical expenses. Normally courts just levy fines without even giving these to the victims. The section on Compensation in the Code of Criminal Procedure should therefore clearly spell out that the fines levied should be given to the victim or their dependents.

The victims suffer a great deal due to a slow judicial process, inadequate compensation and obviously from the after affect of the acid attack itself.

Sections 326A and 326B were inserted by the Criminal Law (Amendment) Act, 2013<sup>45</sup> keeping in mind the increasing number of cases related to acid attacks. Section 326A provides for **Voluntarily causing grievous hurt by use of acid, etc.:** *Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine: Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim; Provided further that any fine imposed under this section shall be paid to the victim.*

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<sup>43</sup> (1998 Bom CR(Cri))

<sup>44</sup>. (04.04.2007 - SC)

<sup>45</sup> (Act No. 13 of 2013) w.e.f. 03.02.2013.



Section 326B provides for **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 imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.*

Explanation 1.--For the purposes of section 326A and this section, "acid" includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

Explanation 2. -- For the purposes of section 326A and this section, permanent or partial damage or deformity shall not be required to be irreversible.

#### **SUMMARY**

Under section 319, IPC, there is nothing to suggest that the hurt should be caused by direct physical contact between accused and victim. However, the pain must be bodily and not mental and may be caused by any means. Under section 320, any injury may be called grievous only if it endangers life. A simple injury cannot be grievous simply because it happens to be caused on a vital part of the body close to the heart, unless the nature and dimensions of the injury or its effect are such that on the opinion of the doctor it actually endangers the life of the victim.