# IPC Section 335: Voluntarily causing grievous hurt on provocation.

## IPC Section 335: Voluntarily Causing Grievous Hurt on Provocation  
  
Section 335 of the Indian Penal Code (IPC) addresses situations where a person voluntarily causes grievous hurt to another, but the act is committed under the influence of grave and sudden provocation. This section, similar to Section 334, acknowledges the mitigating factor of provocation in reducing the culpability of the offender. However, unlike Section 334 which deals with simple hurt, Section 335 deals with grievous hurt, a more severe form of injury, reflecting a higher degree of harm caused even under provocation. While the provocation mitigates the offence, it doesn't serve as a complete defence.  
  
\*\*The Text of Section 335:\*\*  
  
"Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither acts in a cruel or unusual manner, nor inflicts or attempts to inflict any hurt or injury to any person other than the person by whom the provocation was given, is said to commit the offence defined in this section.  
  
\*\*Explanation:\*\* Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.  
  
\*\*Punishment:\*\* Imprisonment of either description for a term which may extend to four years, or with fine which may extend to two thousand rupees, or with both."  
  
  
\*\*Breaking Down the Elements of Section 335:\*\*  
  
1. \*\*Voluntarily Causing Grievous Hurt:\*\* This constitutes the actus reus (guilty act). The perpetrator must intentionally inflict “grievous hurt” as defined under Section 320 of the IPC. Grievous hurt encompasses a range of serious injuries, including:  
  
 \* Emasculation.  
 \* Permanent privation of the sight of either eye.  
 \* Permanent privation of the hearing of either ear.  
 \* Privation of any member or joint.  
 \* Destruction or permanent impairing of the powers of any member or joint.  
 \* Permanent disfiguration of the head or face.  
 \* Fracture or dislocation of a bone or tooth.  
 \* 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.  
  
 The prosecution must establish that the accused intentionally caused grievous hurt to the victim.  
  
  
2. \*\*Grave and Sudden Provocation:\*\* This forms the core of Section 335 and relates to the mens rea (guilty mind). The provocation must be both "grave" and "sudden."  
  
 \* \*\*Grave Provocation:\*\* The provocation must be serious enough to potentially deprive a reasonable person of self-control. It must be of a nature that could cause a temporary loss of control in an ordinary individual placed in the same situation. The assessment of whether a provocation is grave is a question of fact, determined based on the specific circumstances, cultural context, and the individual's sensitivities.  
 \* \*\*Sudden Provocation:\*\* The provocation must be unexpected and immediate, leaving minimal time for reflection or cooling down. The reaction must occur in the heat of the moment, driven by the sudden surge of emotion caused by the provocation. If there is a significant time lapse between the provocation and the infliction of grievous hurt, the defence of sudden provocation weakens considerably.  
  
  
 The Explanation within the section clarifies that determining whether the provocation was grave and sudden enough to mitigate the offence is a question of fact for the court to decide based on the evidence presented.  
  
  
3. \*\*Neither Cruel nor Unusual Manner:\*\* Even though acting under provocation, the grievous hurt inflicted must not be caused in a cruel or unusual manner. This requires the reaction to be somewhat proportionate to the provocation received, considering the gravity of the injury inflicted. If the accused resorts to excessive violence or employs methods unusually cruel given the provocation, they cannot claim the mitigating benefit of Section 335. The nature of the grievous hurt and the weapons or means used are considered when evaluating cruelty or unusualness.  
  
  
  
4. \*\*Hurt Inflicted Only on the Provocateur:\*\* The grievous hurt or injury must be inflicted, or attempted, only on the person who gave the provocation. If the accused attacks someone other than the provocateur, even in the heat of the moment, they forfeit the protection offered by this section. This restriction ensures the reaction is directed solely at the source of provocation, preventing the spread of violence to innocent individuals.  
  
  
  
\*\*Examples of Situations Potentially Covered under Section 335:\*\*  
  
\* Upon discovering a spouse's infidelity, a person, in a fit of rage, pushes them, causing a fracture.  
\* Witnessing a close family member being brutally attacked, a person immediately retaliates, causing serious but not life-threatening injuries to the attacker.  
  
  
  
\*\*Examples of Situations Not Covered under Section 335:\*\*  
  
\* Premeditatedly attacking someone after an argument and inflicting grievous hurt.  
\* Using a deadly weapon in response to a minor argument, resulting in grievous hurt.  
\* Attacking bystanders or family members of the provocateur.  
\* Inflicting injuries excessively disproportionate to the provocation, even if only on the provocateur.  
  
  
  
\*\*Punishment:\*\*  
  
Section 335 prescribes a punishment of imprisonment of either description (rigorous or simple) for a term which may extend to four years, or with fine which may extend to two thousand rupees, or with both. While this punishment is less severe than the punishment for voluntarily causing grievous hurt without provocation (Section 325), it's more severe than the punishment for causing simple hurt on provocation (Section 334), reflecting the greater harm caused.  
  
  
  
\*\*Relationship with Other Sections:\*\*  
  
\* \*\*Section 325 (Punishment for voluntarily causing grievous hurt):\*\* This section covers the general offence of voluntarily causing grievous hurt without provocation. If the defence of grave and sudden provocation under Section 335 fails, the accused may be liable under Section 325.  
\* \*\*Section 334 (Voluntarily causing hurt on provocation):\*\* The key difference lies in the severity of the hurt. Section 335 deals with \*grievous hurt\* while Section 334 deals with simple hurt.  
\* \*\*Exceptions to Section 300 (Culpable Homicide not amounting to Murder), specifically Exception 1:\*\* This addresses culpable homicide committed under grave and sudden provocation. While Section 335 deals with grievous hurt under provocation, the principles are similar. The difference lies in the outcome: death in Exception 1 to Section 300, and grievous hurt in Section 335.  
  
  
  
\*\*Burden of Proof:\*\*  
  
The prosecution bears the initial burden of proving that the accused voluntarily caused grievous hurt. However, the burden of proving grave and sudden provocation shifts to the defence. The accused must provide sufficient evidence to demonstrate that the provocation was both grave and sudden, that their reaction was not cruel or unusual, and that the grievous hurt was inflicted solely on the provocateur. The court then assesses the evidence and determines whether the defence of provocation applies.  
  
  
\*\*Conclusion:\*\*  
  
Section 335 of the IPC serves as an essential legal tool for addressing situations where grievous hurt is inflicted under the influence of grave and sudden provocation. It acknowledges the mitigating impact of provocation on the offender's culpability while recognizing the serious harm caused by grievous hurt. The section carefully balances the need to hold individuals accountable for their actions with the understanding of human reactions under extreme emotional stress. The question of whether the provocation was grave and sudden enough to mitigate the offence remains a matter of factual determination by the court, considering all relevant circumstances presented in the case.