# IPC Section 355: Assault or criminal force with intent to dishonour person, otherwise than on grave provocation.

## IPC Section 355: Assault or Criminal Force with Intent to Dishonor Person, Otherwise Than on Grave Provocation  
  
Section 355 of the Indian Penal Code (IPC) addresses the offense of assaulting or using criminal force against a person with the specific intent to dishonor them, provided it's not done under grave provocation. This provision recognizes that physical aggression can be used not just to cause physical harm but also to deliberately humiliate and disgrace a person, impacting their dignity and social standing.  
  
\*\*1. Key Components of Section 355:\*\*  
  
\* \*\*Assault or Criminal Force:\*\* These terms carry the same meanings as defined under Sections 351 and 350 of the IPC, respectively. Assault involves a gesture or preparation that causes apprehension of immediate unlawful force, while criminal force involves the intentional use of force without consent.  
  
\* \*\*Intent to Dishonor:\*\* This is the crucial element that distinguishes Section 355 from other offenses involving assault or criminal force. The perpetrator's actions must be motivated by the specific intent to dishonor the victim. "Dishonor" implies an act intended to lower the reputation or social standing of a person, causing them shame and humiliation. The intent is subjective and must be inferred from the actions of the accused and the surrounding circumstances.  
  
\* \*\*Otherwise than on Grave Provocation:\*\* This clause introduces an exception to the application of Section 355. If the assault or criminal force is committed under grave and sudden provocation, this section doesn't apply. "Grave provocation" refers to a situation where a reasonable person would lose self-control due to a serious and sudden provocation. The assessment of grave provocation considers factors such as the nature of the provocation, the cultural context, and the individual's background.  
  
\*\*2. Understanding "Dishonor":\*\*  
  
The concept of "dishonor" is central to Section 355. It encompasses acts intended to humiliate or disgrace a person in the eyes of others, causing them to lose respect and social standing. The determination of whether an act amounts to dishonor depends on:  
  
\* \*\*Nature of the Act:\*\* Acts like spitting on someone, slapping them in public, or forcing them to perform humiliating acts can be considered dishonorable.  
\* \*\*Social Context:\*\* An act that might not be considered dishonorable in one social context could be deemed so in another. Cultural norms and values play a role in interpreting what constitutes dishonor.  
\* \*\*Impact on the Victim:\*\* While the ultimate test is objective, the victim's subjective experience of humiliation and shame is a relevant factor to consider.  
  
  
\*\*3. Essential Ingredients for Establishing the Offence:\*\*  
  
The prosecution must establish the following elements beyond a reasonable doubt:  
  
\* The accused used assault or criminal force against the victim.  
\* The accused intended to dishonor the victim.  
\* The act was not committed under grave and sudden provocation.  
  
\*\*4. Punishment under Section 355:\*\*  
  
Section 355 prescribes two levels of punishment depending on the nature of the assault or criminal force:  
  
\*\*(a) Simple Assault or Criminal Force with Intent to Dishonor:\*\* Imprisonment for up to two years, with fine, or with both.  
  
\*\*(b) Assault or Criminal Force with Intent to Dishonor, using a weapon, or by five or more persons:\*\* Imprisonment for up to two years, with fine, or with both.  
  
  
It's important to note that while the imprisonment term is the same for both categories, the inclusion of a weapon or involvement of multiple persons highlights the aggravated nature of the offense in the second category and may influence the quantum of punishment imposed by the court.  
  
  
\*\*5. Nature of the Offence:\*\*  
  
Section 355 defines an offense that is:  
  
\* \*\*Cognizable:\*\* The police can arrest the accused without a warrant.  
\* \*\*Bailable:\*\* The accused is entitled to be released on bail, although the grant of bail is at the discretion of the court.  
\* \*\*Non-Compoundable:\*\* The parties involved cannot privately settle the matter. The case must proceed through the judicial process and be decided by the court.  
  
  
\*\*6. Distinction from other Offenses:\*\*  
  
Section 355 needs to be distinguished from other related offenses:  
  
\* \*\*Section 352 (Assault or criminal force otherwise than on grave provocation):\*\* This section deals with general instances of assault or criminal force without the specific intent to dishonor.  
\* \*\*Sections 323/325 (Voluntarily causing hurt/grievous hurt):\*\* If the assault or criminal force results in hurt or grievous hurt, these sections may be applied in addition to Section 355.  
\* \*\*Section 504 (Intentional insult with intent to provoke breach of the peace):\*\* This section deals with insults intended to provoke a breach of the peace, while Section 355 focuses on physical acts intended to dishonor.  
  
  
\*\*7. Challenges in Implementation:\*\*  
  
Proving the "intent to dishonor" can be challenging in some cases, as it relies on inferring the accused's motive from their actions and the circumstances. The assessment of "grave provocation" can also be complex and requires careful consideration of the specific facts of each case.  
  
  
  
\*\*8. Conclusion:\*\*  
  
Section 355 of the IPC serves an important function by addressing the specific issue of using assault or criminal force to deliberately dishonor a person. It recognizes the psychological and social impact of such acts and provides a legal mechanism for holding perpetrators accountable. By distinguishing this offense from other forms of assault and criminal force, it underscores the importance of protecting individuals from deliberate humiliation and disgrace.  
  
  
This detailed explanation is for informational purposes only and should not be construed as legal advice. Consulting with a legal professional is essential for any legal matters related to this section.