

the offence was punishable with life imprisonment, benefit of probation under [section 4 of the Probation of Offenders Act, 1958](#) was held to be improper.

796. *Siddapuram Siva Reddy v State of AP*, (1995) 1 Cr LJ 701 (AP).

797. *Halke v State of MP*, AIR 1994 SC 951 : 1994 Cr LJ 1220 . *Takhaji Hiraji v Thakore Kubersing Chammansing*, AIR 2001 SC 2328 [LNIND 2001 SC 1150] : 2001 Cr LJ 2602 , in a fight between two village communities, the accused gave blows to the victim with a stick causing fracture in his hand, conviction under the section proper. Rs. 500 was recovered as a fine for compensating the victim and a bond for keeping peace was taken from the accused with sureties. *Nathu v State of UP*, 1999 Cr LJ 2382 (All), land dispute, *lathi* blows, unintended death of one victim, accused persons held guilty of causing grievous hurt with common intention. Conviction of all under section 34/326. *Ajay Sharma v State of Rajasthan*, 1998 Cr LJ 4590 : AIR 1998 SC 2798 [LNIND 1998 SC 879] , no finding of common intention to kill, conviction recorded under section 324. *ABC Imports & Exports v Asst. Director, Enforcement*, a mob of 200 came to the field to prevent transplantation by the prosecution party, one caused death at the spur of moment, others inflicted minor injuries. One was held liable to be convicted for murder, other only for hurt under section 325/34. *State of Karnataka v Dwaraka Bhat*, 1997 Cr LJ 226 : AIR 1996 SCW 4132 , accused pushed victim with great force, he fell down and sustained head injury and became unconscious. Conviction. *State of Karnataka v Basavegowda*, 1997 Cr LJ 4386 (Kant), the accused husband took his wife to forest, assaulted her with a stone and extorted her ornaments. One serious injury and other simple injuries were caused. She was the sole witness but found reliable. The fact that the divorced had remarried was not in itself an expression of hostility towards the accused. Conviction was under section 325 and not section 307. The accused was a young rustic villager, uneducated but no criminal background, nine years had lapsed since the incident. Sentence of two years for grievous hurt and two years for extortion were reduced to the period already undergone.

798. *Bellana Kannam Naidu v State of AP*, 1994 Cr LJ 1146 (AP).

799. *State of Rajasthan v Mohan Lal*, AIR 2018 SC 3564 .

800. *Ayub v State of UP*, AIR 1994 SC 1064 : 1994 Cr LJ 1219 .

801. See also *Rattan Singh v State of Punjab*, AIR 1988 SC 2417 : 1988 BLJR 459 : 1988 SCC (Cr) 708 : 1988 Supp SCC 456 , death caused by *lathi* blow; *Ganga Prasad v State of UP*, 1987 SCC (Cr) 345 : (1987) 2 SCC 232 , lacerated injury caused with a spade which was allowed to be compounded.

802. *State of UP v Tribhuwan*, AIR 2017 SC 5249 [LNIND 2017 SC 2876] .

803. *State of Rajasthan v Mohan Lal*, AIR 2018 SC 3564 . See also *Subhash Chander Bansal v Gian Chand*, AIR 2018 SC 655 [LNIND 2018 SC 19] .

804. *Mohinder Singh v State of Haryana*, 1993 Cr LJ 85 (P&H). *Pappu v State of Punjab*, AIR 2000 SC 3633 , the accused and prosecution witnesses injured in the incident were close relatives. They settled their dispute as between themselves. The sentence of the accused was reduced to the period already undergone.

THE INDIAN PENAL CODE

CHAPTER XVI OF OFFENCES AFFECTING THE HUMAN BODY OF OFFENCES AFFECTING LIFE

Of the Causing of Miscarriage, of Injuries to unborn Children, of the Exposure of Infants, and of the Concealment of Births.

[s 326] Voluntarily causing grievous hurt by dangerous weapons or means.

Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with ^{805.}[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

COMMENT.—

The relationship between this section and the preceding one is the same as that between sections 324 and 323. Before a conviction for the sentence of grievous hurt can be passed, one of the injuries defined in section 320 must be strictly proved, and the eighth clause is no exception to the general rule of law that a penal statute must be construed strictly. The expression "any instrument which, used as a weapon of offence, is likely to cause death" has to be gauged taking note of the heading of the section.

The essential ingredients to attract section 326 are:

- (1) voluntarily causing a hurt;
- (2) hurt caused must be a grievous hurt; and
- (3) the grievous hurt must have been caused by dangerous weapons or means.^{806.}

[s 326.1] Dangerous weapon.—

What would constitute a 'dangerous weapon' would depend upon the facts of each case and no generalisation can be made. The heading of the section provides some insight into the factors to be considered. As was noted by the Supreme Court in *State of UP v Indrajeet alias Sukhatha*,^{807.} there is no such thing as a regular or earmarked weapon for committing murder or for that matter a hurt. Whether a particular article can *per se* cause any serious wound or grievous hurt or injury has to be determined factually. At this juncture, it would be relevant to note that in some provisions, e.g., sections 324 and 326 expression "dangerous weapon" is used. In some other more serious offences the expression used is "deadly weapon" (e.g., sections 397 and 398). The facts involved in a particular case, depending upon various factors like size, sharpness, would throw light on the question whether the weapon was a dangerous or

deadly weapon or not. That would determine whether in the case section 325 or section 326 would be applicable.^{808.}

In the absence of any evidence that the stick which was used as a weapon of offence was of lethal type and something like sharp blade or sharp point, etc., was attached to it, the stick was held to be not an instrument within the meaning of this section.^{809.} Where the accused-teacher assaulted the child-student with a wooden stick that caused injury to the eye of the child but there was no material to show that the stick that was wielded by the accused was a dangerous weapon, the conviction of the accused under section 326 may not be warranted; but the offence would fall under [section 325 IPC, 1860](#).^{810.}

[s 326.2] Injuries not serious enough to endanger life.—

It was proved that the accused persons caused injuries which led to the victim's death. He did not receive any medical assistance for full four hours. He lost a lot of blood which became the cause of death. None of the injuries were on the vital parts of the body. They were not serious enough to endanger life by themselves. The Court said that at the highest, the accused persons could be said to be guilty under sections 326/34 for causing grievous hurt.^{811.} In an altercation the accused persons beat the injured with fist and leg blows on stomach and waist. An attempt was made to help him out of the injury by fomenting at home. But he had to be shifted to hospital and operated upon. It was held that the accused was guilty of attempt to cause grievous hurt and not attempt to murder.^{812.} The accused persons armed with *lathis* and a *tangi* went to the field of the victims and picked up a fight while they were ploughing their field. Looking at the attack they ran away. On their way back they met the uncle of their victims who happened to ask them about the matter. They being annoyed by the question, hit him on the head with a *lathi*. He died. The Court viewed the act as only one intended to cause grievous hurt. Sentence of five years RI was awarded.^{813.}

[s 326.3] Internal injuries.—

On account of a quarrel, the husband kicked his wife in the abdomen and chest. Liver injuries were caused of which she died. Conviction was recorded under section 326. There was no appeal by the State for any higher punishment. There was no evidence to suggest any dowry demand. Hence, there could be no conviction under section 498A.^{814.}

[s 326.4] Disfiguration.—

The wife of the accused was being taken to a Police Station in execution of search warrant accompanied by a police constable. The accused assaulted his wife and caused injuries resulting in amputation of her limbs. The whole nose was also cut, which itself was held to be sufficient to attract permanent disfiguration. Conviction of the accused under section 326 was not interfered with.^{815.}

[s 326.5] Burn Injuries.—

Incident of throwing burning Kerosene Lamp by accused on complainant and the complainant sustained 25–30 per cent burn injuries on chest, abdomen and hands. Doctor clarified that burn injuries are fatal and dangerous to life in case the injuries get infected and develop into septicaemia. Therefore, injuries cannot be said to be fatal. Accused was liable to be convicted only under [section 326 of IPC, 1860](#) not under section 307.^{816.}

[s 326.6] Acid attack.—

The accused threw acid on the faces of their victims. Medical evidence showed that the injuries caused on the faces and eyes were not sufficient to cause death, conviction of the accused under section 307 was altered to one under section 326. The Court observed that unless it can be shown that the intention or knowledge of the accused was to cause such bodily injury as would come within one of the four clauses of section 300, he cannot be held guilty of an offence under section 307.^{817.}

[s 326.7] Attack with axe.—

Protest against cutting of trees became the cause for assault. The accused and his companions started assaulting. The victim received a head injury with an axe. The blow caused fracture because of its force. The accused persons were not entitled to the benefit of private defence, they being the aggressors.^{818.}

[s 326.8] Attack with piece of stone.—

The weapon of assault was a piece of stone. As per the evidence of the doctor, the injury caused was grievous one. But considering the size of the stone used for the purpose, it could not be said that a dangerous weapon was used. The conviction was altered to section 325 from section 326.^{819.}

[s 326.9] Counter case.—

In a case the accused inflicted a knife blow to a man and the accused was also injured during the same incident and filed a counter case but took no steps to bring his case to trial. It was held that filing of the counter case was not fatal to the prosecution case though both the cases should have been clubbed together. Conviction of the accused under section 326 was upheld.^{820.} The eye-witnesses who deny the presence of injuries on the person of the accused are lying on the most material point, and therefore, their evidence is unreliable.^{821.}

[s 326.10] Feeding *prasad* containing poison.—

The accused distributed *prasad* to persons on relay fast. It contained poison. One person died, others affected. The Court was of the view that it could not be said that there was intention to kill a particular person, distribution being made openly. But because the accused must have had knowledge that a poisonous substance may

cause grievous hurt or even death. In respect of the death he was convicted under section 304, Part I and in respect of others affected under section 326.^{822.}

[s 326.11] Protest against eve-teasing.—

The accused were friends of the victim who had objected to eve-teasing by one of them. The victim-protestor was assaulted. It was held that they could be convicted individually for their role in the assault under section 326 but not for the murder. There was no common intention of going to that extent.^{823.}

[s 326.12] Uncertainty as to cause of death.—

The first doctor who examined the injured person in the hospital stated that none of the injuries either individually or collectively appeared to be dangerous to life. The doctor who last examined the patient stated that 'A' group blood having been exhausted, 'O' group blood was given and death might have been due to blood reaction. The *post-mortem* doctor stated that death was due to rupture of liver. The conviction was shifted from under sections 302/34 to that under sections 325–326/34.^{824.}

[s 326.13] Torture in police custody.—

Victim was arrested and kept in police station for three days and was not produced before a Magistrate within 24 hours. Third degree methods adopted on him and his penis was also chopped off with a barber's razor. It was a barbaric act on the part of the accused, who deserve no leniency. Both accused persons are held guilty under [section 326 IPC, 1860](#).^{825.}

[s 326.14] Section 307 vis-a-vis Section 326.—

In some cases offence under [section 326 IPC, 1860](#) may be acutely more serious than another falling under [section 307 IPC, 1860](#). For instance, acid thrown on the face of young, unmarried girl would come under [section 326 IPC, 1860](#) but it would be far more serious than a firearm shot missing the victim that would fall under [section 307 IPC, 1860](#).^{826.} A bare perusal of these two provisions clearly reveals that while [section 307 IPC, 1860](#) uses the words "under such circumstances", these words are conspicuously missing from [section 326 IPC, 1860](#). Therefore, while deciding whether the case falls under [section 307 IPC, 1860](#) or under [section 326 IPC, 1860](#) the Court must necessarily examine the circumstances in which the assault was made.^{827.} Doctor categorically stated that injury could have caused death. Radiologist also stated that chopping of the leg was grievous act in nature. The Supreme Court held that High Court was not justified in altering conviction from section 307 read with section 149 to 326 read with [section 149 IPC, 1860](#).^{828.} Number of injuries were quite grievous but accused were careful not to give any blow on any vital part of body. Doctor did not say that injuries were sufficient in the course of nature to cause death. Therefore, accused was convicted under [section 326 IPC, 1860](#) instead of [section 307 IPC, 1860](#).^{829.}

[s 326.15] Punishment.—

Imposing only fine while convicting the accused under section 326 and not imposing punishment of imprisonment, was held to be a non-compliance of the provisions of the code.⁸³⁰ Accused poured acid on the head of victim with the result that face, neck, eyes, chest, etc., were seriously burnt. High Court reduced sentence from three years to already undergone (35 days). For such a heinous crime accused deserves no leniency.⁸³¹

In a case,⁸³² the Supreme Court held the imposition of three months' imprisonment to be proper but pointed out that the Courts below should have taken notice of the provisions of the [Probation of Offenders Act, 1958](#) or of [section 360 Cr PC, 1973](#). While upholding the sentence, the Court directed the prisoner to be released on probation.

Often in Court at the sentencing stage the spotlight fell almost entirely upon the offender and the circumstances of the offender, and there was seldom reference to the suffering of the victim of violence.⁸³³

[s 326.16] Offence not compoundable.—

In *Suresh Babu v State of AP*,⁸³⁴ Supreme Court allowed the compounding of an offence under [section 326 IPC, 1860](#) even though such compounding was not permitted by section 320 of the Code. However, in *Surendra Nath Mohanty v State of Orissa*,⁸³⁵ and in *Ramlal v State of Jammu and Kashmir*,⁸³⁶ it was held that an offence which law declares to be non-compoundable cannot be compounded at all even with the permission of the Court and held *Suresh Babu*,⁸³⁷ *per incuriam*. In *Jalaluddin v State of UP*,⁸³⁸ and in *Bankat v State*,⁸³⁹ the Apex Court reiterated that as the offence under [section 326, IPC, 1860](#) is not compoundable, even if the parties settled the matter. In *Ramgopal v State of MP*,⁸⁴⁰ Supreme Court held as follows:

There are several offences under the [IPC](#) that are currently non - compoundable. These include offences punishable u/s. 498-A, s. 326, etc. of the [IPC](#). Some of such offence can be made compoundable by introducing a suitable amendment in the statute. We are of the opinion that the Law Commission of India could examine whether a suitable proposal can be sent to the Union Government in this regard. Any such step would not only relieve the Courts of the burden of deciding cases in which the aggrieved parties have themselves arrived at a settlement, but may also encourage the process of reconciliation between them. We, accordingly, request the Law Commission and the Government of India to examine all these aspects and take such steps as may be considered feasible.

The Law Commission of India examined the issue in view of the direction in *Ramgopal's* Case and submitted its 237th Report suggesting to make section 498A and section 324 compoundable: no changes were suggested regarding section 326. In *Gian Singh v State of Punjab*,⁸⁴¹ a three-Judge Bench held that sub-section (9) of section 320 mandates that no offence shall be compounded except as provided by this section. Obviously, in view thereof the composition of an offence has to be in accord with section 320 and in no other manner. But the power of compounding of offences given to a Court under section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal Court is circumscribed by the provisions contained in section 320 and the Court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment. The result is, though [section 326 IPC, 1860](#) is a non-compoundable offence, the High Court can quash the

proceedings by using its inherent power under [section 482 Cr PC, 1973](#) in case of settlement between the parties.

805. Subs. by Act 26 of 1955, section 117 and Sch., for "transportation for life" (w.e.f. 1 January 1956).

806. *Prabhu v State of MP*, [AIR 2009 SC 745](#) [[LNIND 2008 SC 2354](#)] : (2008) 17 SCC 381 [[LNIND 2008 SC 2354](#)] .

807. *State of UP v Indrajeet alias Sukhatha*, (2000) 7 SCC 249 [[LNIND 2000 SC 1148](#)] .

808. *Prabhu v State of MP*, [AIR 2009 SC 745](#) [[LNIND 2008 SC 2354](#)] : (2008) 17 SCC 381 [[LNIND 2008 SC 2354](#)] ; *Mathai v State of Kerala*, 2005 (2) JT 365 .

809. *Jagannath v State of Maharashtra*, (1995) 1 Cr LJ 795 (Bom).

810. *C R Kariyappa v State of Karnataka*, [AIR 2018 SC 4312](#) .

811. *State of Karnataka v Shivaraj*, 2002 Cr LJ 2493 (Kant), the accused persons were all agriculturists and not seasoned or regular criminals, there was neither brutality nor premeditation, they had served considerable period of time in custody during the trial. Their imprisonment was reduced to the period already undergone and fine of Rs. 2000 each.

812. *Rajesh Kumar v State of Haryana*, 2002 Cr LJ 756 (P&H), the accused were less than 21 years of age, first offenders, faced proceedings for 10 years, released on probation on furnishing bond of Rs. 10,000 each and with surety bond of like amount for three years. *State v Abdul Rashid*, 2002 Cr LJ 3118 (J&K), three accused persons assaulted the victim who died and his brother received injuries with a sharp weapon, but injury was not sufficient to cause death. Perforation of wound became the cause of death. The accused also caused grievous hurt with dangerous weapon. Convicted under sections 326/34. *GS Walia v State of Punjab*, 1998 Cr LJ 2524 (SC) attack with iron rods and axe resulting in death. Medical report did not show injury as sufficient to cause death. Inference that attack was only to cause injuries. Liability for conviction only under section 325. *State of Karnataka v Lokesh*, 2002 Cr LJ 3795 (Kant) all the accused convicted under the section read with section 34.

813. *Chowa Mandal v State of Bihar*, [AIR 2004 SC 1603](#) [[LNIND 2004 SC 147](#)] : 2004 Cr LJ 1405 .

814. *Arjuna Das v State of Orissa*, 2000 Cr LJ 3601 (Ori).

815. *Devisingh v State of MP*, 1993 Cr LJ 1301 (MP).

816. *Anant Nathu Mankar v State of Maharashtra*, 2011 Cr LJ 2713 (Bom).

817. *Kulamani Sahu v State of Orissa*, 1994 Cr LJ 2245 (Ori). *Sangeeta Kumari v State of Jharkhand*, 2003 Cr LJ 1734 (Jha); *Vishwambhar Narayan Jadhav v Mallappa Sangramappa Mallipatil*, [AIR 2009 SC 854](#) [[LNIND 2008 SC 2349](#)] : (2007) 15 SCC 600. See section 326A and section 326B.

818. *AC Gangadhar v State of Karnataka*, [AIR 1998 SC 2381](#) [[LNIND 1998 SC 506](#)] : 1998 Cr LJ 3602 the sentence of imprisonment for one year was not excessive in view of the injury caused. *Melampati v GM Prasad*, 2000 Cr LJ 3449 : [AIR 2000 SC 2195](#) [[LNIND 2000 SC 745](#)] accused persons caused too many injuries with axe, knife and other sharp weapons, the victim died on the spot. Some of them acquitted by the High Court. In reference to the remaining two, the Supreme Court found failure of prosecution to prove anything against them.

819. *Mathai v State of Kerala*, 2005 Cr LJ 898 : AIR 2005 SC 710 [LNIND 2005 SC 37] : (2005) 3 SCC 260 [LNIND 2005 SC 37] , no hard and fast rule can be applied for assessing proper sentence. Also a long passage of time cannot always be determinative factor. Major portion of the sentence awarded was already suffered, it was reduced to the period undergone.

820. *Mohd Ibrahim v State of AP*, 1993 Cr LJ 2489 (AP).

821. *Ganesh Datt v State of Uttarakhand*, 2014 Cr LJ 3128 : AIR 2014 SC 2521 [LNIND 2014 SC 186] .

822. *State of Bihar v Ram Nath Pd*, 1998 Cr LJ 679 : AIR 1998 SC 466 [LNIND 1997 SC 1581] .

823. *Heeralal Ramlal Parmar v State*, 1998 Cr LJ 574 (Bom). The court said that ends of justice would be served if the jail sentence was reduced to the period already undergone and accused persons directed to pay fine of Rs. 15,000 each.

824. *State of Haryana v Mange Ram*, AIR 2002 SC 558 : 2003 Cr LJ 830 .

825. *Central Bureau of Investigation v Kishore Singh*, (2011) 6 SCC 369 [LNIND 2010 SC 1033] : (2011) 2 SCC (Cr) 970 : AIR 2011 SC (Supp) 584.

826. *Mangal Singh v Kishan Singh*, AIR 2009 SC 1535 [LNIND 2008 SC 2280] : (2009) 17 SCC 303 [LNIND 2008 SC 2280] .

827. *Pooran Singh Seera Alias Pooran Meena v State of Rajasthan*, 2011 Cr LJ 2100 (Raj); *Neelam Bahal v State of Uttarakhand*, AIR 2010 SC 428 [LNIND 2009 SC 2056] : (2010) 2 SCC 229 [LNIND 2009 SC 2056] .

828. *State of MP v Kashiram*, (2009) 4 SCC 26 [LNIND 2009 SC 215] : AIR 2009 SC 1642 [LNIND 2009 SC 215] .

829. *Mangal Singh v Kishan Singh*, AIR 2009 SC 1535 [LNIND 2008 SC 2280] : (2009) 17 SCC 303 [LNIND 2008 SC 2280] .

830. *Dhandapani v Dhandapani*, 1995 Cr LJ 3099 (Mad), **relying** on *State of UP v Manbodhan Lal*, AIR 1957 SC 912 [LNIND 1957 SC 93] : 1958 SCJ 150 [LNIND 1957 SC 93] and *Re Rayar*, 1982 Mad LW (Cr) 47 : 1982 Cr LJ (NOC) 122 . *Mangal Singh v Kishan Singh*, AIR 2009 SC 1535 [LNIND 2008 SC 2280] : (2009) 17 SCC 303 [LNIND 2008 SC 2280] .

831. *Vishwambhar Narayan Jadhav v Mallappa Sangramappa Mallipatil*, AIR 2009 SC 854 [LNIND 2008 SC 2349] : (2007) 15 SCC 600 [LNIND 2008 SC 2349] .

832. *Jagat Pal Singh v State of Haryana*, AIR 2000 SC 3622 ; *Santokh Singh v State of Rajasthan*, 2000 Cr LJ 1410 (Raj), the accused inflicted solitary sword blow on the head of the victim, convicted under section 326, the incident took place 16 years ago, the accused had remained in jail for two months, sentence of three years RI reduced to one year RI. *Bhanwar Lal v State of Rajasthan*, 2000 Cr LJ 1472 (Raj), another case in which sentence of two years RI was reduced to one year RI. *Syed Shafiq Ahmed v State of Maharashtra*, 2002 Cr LJ 1403 (Bom) conviction for throwing acid on his estranged wife and her relatives and disfiguring them. *Hari Ram v State of Rajasthan*, 2000 Cr LJ 1027 (Raj), the accused caused grievous hurt with a sharp weapon on the neck of the victim. Other accused persons were released on probation. He had remained in jail for two months and 18 days. Sentence reduced to the period already undergone. *Sat Narain v State*, 2000 Cr LJ 1018 (Del), the accused had undergone some part of the sentence. He had faced the trauma of criminal proceedings for 23 years. His sentence was reduced to the period already undergone. *State of Maharashtra v Harishchandra Tukaram*, 1997 Cr LJ 612 (Bom), each of the four accused persons were in jail for a period of 10 months. Instead of sending them to jail, the court directed them to pay a fine of Rs. 10,000 to be paid to the victim by way of compensation. *State of Maharashtra v Hindurao Daulu*, 1997 Cr LJ 1649 (Bom), accused was of 27 years. He could not be said to be a young person for showing any leniency. *State of Gujarat v Sivapan Day*, 1997 Cr LJ 2032 (Gau), the accused was a young man, 17 years had elapsed since the offence. He got married and had two kids. Taking into view the manner of killing and making

a woman husbandless, the accused was sentenced to 3½ years RI and a fine of Rs. 1,000. *Tamilselvan v Union Territory of Pondicherry*, 1997 Cr LJ 2094 (Mad), the complainant, a personnel officer, had initiated disciplinary proceedings against the accused, who attacked him and caused grievous hurt. This was viewed as a heinous crime. Punishment of fine was imposed.

833. *R v Williams*, (2000) 2 Cr App R (S) 380 [CA (Crim Div)]. *R v Hennessey*, (2000) 2 Cr App R (S) 480 [CA (Crim Div)], attack on wife, following arguments, causing 16 wounds, including two stab wounds, six years' imprisonment. *R v Hyles*, (2001) 1 Cr App R (S) 26 [CA (Crim Div)], the accused came to his woman friend. He believed that she had with the help of two men sold his car. He asked for the price. He came back after some time with a kettle of hot water and poured it on her injuring her, five years' imprisonment. *R v Bishop*, (2000) 2 Cr App R (S) 416 [CA (Crim Div)], causing severe injuries to a woman in a club by thrusting a beer bottle against her face; four years' imprisonment. *R v Jones*, (2001) 1 Cr App R (3) 116 [CA (Crim Div)], attack on police man by chasing him with a vehicle. The fact that the victims were police officers increased the gravity of the offence, sentence of five years' imprisonment.

834. *Suresh Babu v State of AP*, (1987) 2 JT 361 .

835. *Surendra Nath Mohanty v State of Orissa*, AIR 1999 SC 2181 [LNIND 1999 SC 482] .

836. *Ramlal v State of Jammu and Kashmir*, AIR 1999 SC 895 [LNIND 1999 SC 60] .

837. *Supra*.

838. *Jalaluddin v State of UP*, 2001 AIR SCW 2266.

839. *Bankat v State*, AIR 2005 SC 368 [LNIND 2004 SC 1183] .

840. *Ramgopal v State of MP*, 2010 (7) Scale 711 [LNIND 2010 SC 690] .

841. *Gian Singh v State of Punjab*, (2012) 10 SCC 303 [LNIND 2010 SC 1128] : 2012 (9) Scale 257 .

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CHAPTER XVI OF OFFENCES AFFECTING THE HUMAN BODY OF OFFENCES AFFECTING LIFE

Of the Causing of Miscarriage, of Injuries to unborn Children, of the Exposure of Infants, and of the Concealment of Births.

[s 326A] 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.^{842.}

COMMENTS

The section is introduced on the basis of the recommendations of Justice JS Verma Committee.^{843.}

[s 326A.1] Gravity of injury not necessary.—

Merely because the title to section 326A speaks about grievous hurt by use of acid, it is not a requirement under the section that the injuries caused should be invariably grievous. Even if the injuries are simple, the mere act of throwing or attempt would attract the offence under sections 326A and 326B.^{844.}

[s 326A.2] Fine mandatory and reasonable.—

The fine is mandatory and the quantum should be just and reasonable in the sense that it should be sufficient to meet the medical expenses for the treatment of the victim. Therefore, the second proviso under section 326A requires that the fine imposed should be paid to the litigant.^{845.}