

741. *Muhammad Ibrahim v Shaik Davood*, (1920) 44 Mad 417.
742. *Mandira Nandi v Dilip Kumar Baruah*, 2012 Cr LJ 2567 (Gau); *Bandela Daveedu v State of AP*, 2011 Cr LJ 4257 (AP)—Where accused caused simple injuries to victim and not grievous injuries. Accused are guilty for offence under section 323 read with 34 IPC, 1860 and 324 read with 34 IPC, 1860 instead of section 325 read with 34 IPC, 1860 and section 326 read with 34 IPC, 1860.
743. *Angrej Singh @ Kaka v State of HP*, 2012 Cr LJ 3335 (HP). *Ayoub Dedar v State of J&K*, 2010 Cr LJ 2497 (JK). Allegation that appellant caught hold of victim, 10/12 years old girl in jungle, committed an indecent assault on her and also made an attempt to commit rape on her. Conviction of appellant under section 376/511 and 323 of IPC, 1860 was held proper.
744. *State of Maharashtra v Tatyaba Bajirao Jadhav*, 2011 Cr LJ 2717 (Bom).
745. *PP v NS Murthy*, 1973 Cr LJ 1238 (AP). *Sri Prakash v State*, 1990 Cr LJ 486 : 1989 All LJ 117, beating child with no injuries, death followed because of enlarged spleen, conviction under sections 323 and 326 and not section 304. The accused caused two injuries on the victim, one by sharp-edged weapon and the other by blunt weapon but only the blunt weapon was recovered from the accused. It was held that the injury caused by the sharp-edged weapon could not be assigned to the accused. His conviction under section 326 was converted to section 323; *Jam v State of Rajasthan*, 1993 Cr LJ 2572 (Raj).
746. *Sridevi*, 1974 Cr LJ 126 (All). *Darshan Singh v State of Punjab*, AIR 1991 SC 66 : 1990 Cr LJ 2684 ; prosecution case not proved. *Purandar Bhukta v State of Orissa*, 1991 Cr LJ 1388 , allegation that the accused slapped the informant on his face causing bleeding injury but the fact not mentioned in FIR, benefit of doubt. *Munshilal v State of UP*, 1990 Cr LJ 984 , no explanation of multiple injuries on accused persons, fatal to prosecution.
747. *Sellamuthu v State of TN*, (1995) 2 Cr LJ 2143 (Mad). Where the wife of the accused gave only a single blow to the head of the victim and thereafter remained a silent witness to things happening, she was convicted only under this section and not for causing death under the doctrine of common intention under section 34, *Darshan Singh v State of Rajasthan*, (1995) 2 Cr LJ 2138 (Raj). The accused inflicted single lathi blow on the head of the deceased, injury simple, but death due to haemorrhage, conviction under section 323, *Dunga Ram v State of Rajasthan*, 1996 Cr LJ 3672 (Raj).
748. *Pichapillai v State of TN*, 1996 Cr LJ 3634 (Mad).
749. *Shyamji v State of Rajasthan*, 1993 Cr LJ 2458 (Raj).
750. *Shri Jawahar v State of UP*, 1991 Cr LJ 376 : AIR 1991 SC 273 . *Pandu v State of MP*, (1995) 1 Cr LJ 226 (MP), sentence for grievous hurt reduced to the period already undergone where the accused belonged to backward class and had no antecedent record of crime.
751. *Thomas v State of Kerala*, 1992 Cr LJ 581 (Ker).
752. *Mohan Singh v State of Rajasthan*, 1994 Cr LJ 2229 (Raj).
753. *State of UP v Akhtar Khan*, 1991 Cr LJ 1779 (All). Another case of punishment for three months already undergone and a fine of Rs. 1000; *Raghuvir Singh v State of MP*, 1991 Cr LJ 48 . *Prafulla Bora v State of Assam*, 1988 Cr LJ 428 (Gau), the accused, a boy of 18–19 years old at the time of occurrence, 11 years passed since then, imprisonment for two years considered sufficient but released on probation.
754. *Om Prakash v State*, 1990 Cr LJ 2373 (Del).
755. *Kuldeep Singh v State of Punjab*, 1994 Cr LJ 2201 : 1994 AIR SCW 1451.
756. *State of Rajasthan v Mohan Lal*, (2012) 4 SCC 564 [LNIND 2012 SC 199] : AIR 2012 SC 1595 [LNIND 2012 SC 199] ; *Puran v State of MP*, 2012 Cr LJ 3704 (MP); *Haripada Rajak v State of Jharkhand*, 2011 Cr LJ 3636 (Jha); *Gharbharan v State of Chhattisgarh*, 2010 Cr LJ 471 (Chh).
757. *Pirithi v State of Haryana*, AIR 1994 SC 1582 : 1994 Cr LJ 2187 : 1994 Supp (1) SCC 498 .

758. *Nasiruddin Khan v State of Bihar*, AIR 2008 SC 3198 [LNIND 2008 SC 1528] : (2008) 12 SCC 129 [LNIND 2008 SC 1528] ; *Abani K Debnath v State of Tripura*, AIR 2006 SC 518 : (2005) 13 SCC 422 .
759. *State of Kerala v Balakrishnan*, 1999 Cr LJ 5038 (Ker). *Bhoora Ram v State of Rajasthan*, 1998 Cr LJ 3440 (Raj), free fight, two of them had not caused any fatal injury, who caused the fatal injury, conviction of all under section 323, it being a free fight the right of private defence was not available. *Raghunath Sahu v State of Orissa*, 1998 Cr LJ 2760 (Ori), free fight, no recoveries, conviction improper. *Upendra Singh Solanki v State of Rajasthan*, 1997 Cr LJ 1850 (Raj), attack on public servant but not for the purpose of preventing him from doing his official duty, conviction under sections 323 and 324. *Habil Mia v State of Assam*, 1997 Cr LJ 1866 (Gau), conviction for hurt and kidnapping.
760. *State of HP v Sarla Devi*, 2011 Cr LJ 2505 (HP).
761. *Gunadhar Majhi v State of Jharkhand*, 2011 Cr LJ 2536 (Jhar).
762. *Rati Ram v State of UP*, 1997 Cr LJ 1525 (All).
763. *Habil Mia v State of Assam*, 1997 Cr LJ 1866 (Gau).
764. *Chandrakant Kashinath Somware v State of Maharashtra*, 2011 Cr LJ 4916 (Bom); *Sitaram Paswan v State of Bihar*, AIR 2005 SC 3534 [LNIND 2005 SC 703] : (2005) 13 SCC 110 [LNIND 2005 SC 703] .

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 324] Voluntarily causing hurt by dangerous weapons or means.

Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as 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 imprisonment of either description for a term which may extend to three years, or with fine, or with both.

COMMENT.—

This section makes simple hurt more grave, and liable to more severe punishment where it has the differentia of one of the modes of infliction described in the section.^{765.}

[s 324.1] CASES.—

Where the accused gave a blow on the left side of the head of the victim with a *Farsha*, a sharp-cutting weapon, causing a simple scalp-deep injury and there was the possibility that the sharp edge of the weapon was not used, it was held that his conviction should be changed from [section 307](#) to one under [section 324 IPC, 1860](#) since *Farsha* is a weapon which if used as a weapon of offence is likely to cause death.^{766.} Where a head injury was caused with a deadly weapon and the injured was discharged from the hospital after 15 days, but six months thereafter he had to be hospitalised again for brain operation and he did not recover, the death being not solely due to the injury, the accused persons convicted under this section and their conviction under section 304 was set aside.^{767.} Tooth is an instrument of cutting and as such biting off the tip of the nose would be an offence under this section or [section 326 IPC, 1860](#) depending on the nature of the injury, simple or grievous.^{768.} Where there is no serious injury on any vital part of the body of the victim, the offender should be convicted under section 324 and not under [section 326 IPC, 1860](#).^{769.} Thus, where the accused inflicted an injury on the right shoulder of the deceased with a broken soda water bottle with sharp edges without knowing that the deceased was suffering from haemophilia (tendency of excessive bleeding), it was held that the accused was liable only under section 324 and not under [section 302 IPC, 1860](#).^{770.} Where simple injuries not likely to cause death were inflicted with a sword, the Supreme Court transferred the conviction from under section 307 to one under this section and allowed the offences to be compounded on payment to the victim a sum of Rs. 3,000.^{771.} Where in a case of a dowry death, the evidence showed that the accused, mother-in-law caused injuries on

the person of the daughter-in-law. She committed suicide. The accused was punished under section 324 but on consideration of circumstances and facts that she was 80, only a sentence of fine of Rs. 3,000 was imposed. Offence under section 306 was not made out.⁷⁷² Where the accused, a boy of 18 years of age at the time of incident having no criminal history, in a sudden scuffle gave a blow on the chest of the deceased with an ordinary knife resulting in his death and thereafter, mutely allowed to take the knife from his hand and went to the hospital along with the deceased, it was held that he had no intention to cause death or grievous hurt to the deceased, and was guilty under section 324 and not under section 304, Part II.⁷⁷³ Where the accused assaulted his victim by 'Katti' blow causing grievous hurt and the co-accused assaulted the victim only by *lathis* and hands causing minor injuries and no pre-concert between the accused and the co-accused regarding the assault by the 'Katti' was established, it was held that the co-accused could not be vicariously held liable for the acts of the accused and be convicted under section 324.⁷⁷⁴ Where a blow was inflicted with the blunt side of the axe on the thigh of the victim, the Supreme Court reduced the sentence to four months' RI and increased the fine to Rs. 3,000.⁷⁷⁵ Where the accused deliberately attacked and killed a person with a deadly weapon and was held to be rightly convicted for murder under section 300, he was convicted under this section and sentenced to pay a fine for causing hurt on the hand of the intervening wife of the deceased with a rice pounder.⁷⁷⁶

In a free fight between two groups resulting in death of one person and injuries to several others, fatal injury could not be attributed to any one of the accused who also received a number of injuries. It was held that the accused were properly convicted under sections 324 and 325.⁷⁷⁷ Where one of the accused caused two gunshot injuries to a man which proved fatal, the other accused caused him only an incised injury. The accused causing fatal injuries was sentenced under section 302 and the other accused only under section 324.⁷⁷⁸ In an altercation the accused dealt a blow with spade lying on the spot on the head of a 70-year-old man who became unconscious, was hospitalised and died after three weeks. The blow caused only linear fracture of left frontal bone. It was found that essential element of voluntarily causing grievous hurt was wanting. It was held that his offence fell under section 324 and not under section 326.⁷⁷⁹ Allegation that accused resorted to repeated firings at two persons on two occasions at two different times and place. On first occasion accused fired in air and pellets after being ricocheted from ceiling caused simple injuries to three persons. On second occasion also appellant had not caused any injury to anybody. In view of dearth of convincing evidence on record, it cannot be concluded with any degree of certainty that appellant had an intention to commit murder of anybody. Only conclusion could be drawn is that appellant wanted to cause hurt for dispersing crowd. Appellant can only be convicted under [section 324 of IPC, 1860](#) and not under [section 307 IPC, 1860](#).⁷⁸⁰ Medical evidence that injuries, however, serious in nature but not grievous in nature. Skin grafting has been done and victim is fit for discharge — Accused is guilty of offence under [section 324 IPC, 1860](#) and not under [section 307 IPC, 1860](#).⁷⁸¹ The accused struck his wife once only on the neck causing simple injury. She fell down and was further injured and died. The instrument (wooden reaper) was dangerous. The conviction was altered from under section 304, Part II to section 324.⁷⁸²

[s 324.2] Sections 324/149.—

Prosecution failed to prove that appellants had made unlawful assembly and caused incised wound to complainant in furtherance of common object. Accused who

assaulted the complainant liable to be convicted under [section 324 IPC, 1860](#) and other accused persons liable to be convicted under [section 323 of IPC, 1860](#).⁷⁸³

[s 324.3] Acquittal.—

The essential ingredients to make out an offence under [section 324 IPC, 1860](#) should be that there must be voluntarily causing hurt and also the required intention. In other words, to constitute an offence of voluntarily causing hurt, there must be complete correspondence between the result and the intention or the knowledge of the person who causes the said hurt.⁷⁸⁴ Where the injured witness himself attributed the injury on him to the deceased, instead of the accused, the conviction of the accused on the charge of section 324 cannot be sustained under law.⁷⁸⁵ Where no explanation by prosecution as to how the injuries were caused to deceased and the role attributed to appellants by prosecution is fully covered by their right of private defence, conviction and sentence is liable to be set aside.⁷⁸⁶ In a case, the allegation was that the accused petitioner inflicted simple and grievous injuries with sharp-edged weapon on person of victim. The Injury Report was not proved and the doctor who signed it was not called for examination. The Petitioner was held entitled to acquittal.⁷⁸⁷

[s 324.4] Punishment.—

Where injuries were caused on account of quarrel over land and the incident was already 17 years old, the accused was sentenced to two years RI and fine.⁷⁸⁸ Incident had occurred more than 35 years ago. There was no complaint against appellant during pendency of appeal of indulging into any criminal activities. Period of imprisonment already undergone by appellant with fine of Rs. 10,000 and in default thereof to undergo six months simple imprisonment would meet ends of justice.⁷⁸⁹

[s 324.5] Non-Compoundable.—

Before the Code of the Criminal Procedure (Amendment Act) 2005 came into force, offence under [section 324 of IPC, 1860](#) was compoundable with the permission of the Court as prescribed in the table, under sub-section (2) of [section 320 of Cr PC, 1973](#). The [Code of Criminal Procedure](#) (Amendment Act) 2005 (Act 25 of 2005) has taken out [section 324 of IPC, 1860](#) from the sphere of compounding and thereby made it non-compoundable. Since the offence committed under [section 324 of IPC, 1860](#) before Amendment Act came into force, was compoundable with the permission of the Court pursuant to the provisions prescribed under sub-section (2) of [section 320 of Cr PC, 1973](#)—as was in force before the [Code of Criminal Procedure](#) Amendment Act 2005 came into effect.⁷⁹⁰ After coming into force of the [Code of Criminal Procedure](#) (Amendment) Act 2005 the offence under [section 324, IPC](#) is made non-compoundable. However, in this case the offence under [section 324, IPC](#) was committed on 23 July 1986 on which date it was compoundable with the permission of the Court. As the [Code of Criminal Procedure](#) (Amendment Act) 2005 is not applicable to the facts of the case, the offence under [section 324, IPC, 1860](#) would be compoundable with the permission of the Court.⁷⁹¹

[s 324.6] Probation.—

Accused is convicted under [section 324 IPC, 1860](#). Taking into consideration the 20 years age of one of the appellants on date of incident, benefit of [Probation of Offenders Act, 1958](#), is extended to him.⁷⁹².

765. See *Madhab Digai v State of Orissa*, (1995) 1 Cr LJ 1206 (Ori) conviction for injuries caused by knife.

766. *Jai Narain*, 1972 Cr LJ 469 : AIR 1972 SC 1764 . *Anwarul Haq v State of UP*, 2005 Cr LJ 2602 : AIR 2005 SC 2382 [LNIND 2005 SC 425] : (2005) 10 SCC 581 [LNIND 2005 SC 425] , assault and injury with knife, though not recovered, conviction on the basis of evidence of eyewitnesses.

767. *State of Orissa v Rabu Naik*, 1990 Cr LJ 2777 (Ori). See also *State of Gujarat v Bharwad Jakshibhai Naeq bhai*, 1990 Cr LJ 2531 (Guj), where the common object of an unlawful assembly was only to belabour the members of a particular community, and they were striking with iron-rimmed sticks, one blow proving fatal, conviction under this section and section 326 and not for murder.

768. *Jamil*, 1974 Cr LJ 867 (All); See also *Jagat Singh*, 1984 Cr LJ 1551 (Del); *Chaurasi Manjhi*, AIR 1970 Pat 322 .

769. *Kailash Prasad*, 1980 Cr LJ 190 : AIR 1980 SC 106 .

770. *Anbumani v State*, 1981 Cr LJ (NOC) 115 (Mad).

771. *Narendra Kumar v State of Rajasthan*, (1987) 24 All CC 516 : 1988 SCC (Cr) 884 : 1988 Supp SCC 536 ; *Madan Lal v State of HP*, 1990 Cr LJ 310 , simple injuries. *Ramesh v State of UP*, AIR 1992 SC 664 : 1992 Cr LJ 669 , a single injury at back of neck, conviction shifted to under this section from under section 307.

772. *State of HP v Nikku Ram*, 1995 Cr LJ 4184 : AIR 1996 SC 67 [LNIND 1995 SC 851] .

773. *Shrirang Kisan Kurade v State of Maharashtra*, 1992 Cr LJ 1362 (Bom).

774. *Mohan Tripathy v State of Orissa*, 1994 Cr LJ 1188 (Ori). *Chand Mohammed v State of Bihar*, 2013 Cr LJ 542 (Pat); *Sheikh Ahmad v State*, 2013 Cr LJ 267 (Pat); *Deepak v State*, 2013 Cr LJ 2801 (Utt); *Madan Lal v State*, 2013 Cr LJ 2885 (Utt); *Chagalamari Subbaiah v State of AP*, 2010 Cr LJ 655 (AP)

775. *Bishna v State of Haryana*, 1988 SCC (Cr) 48 : 1987 Supp SCC 184 . Another case of simultaneous assault by several persons which was held to fall under this section is *Vithal Bhimashah Koli v State of Maharashtra*, AIR 1983 SC 179 [LNIND 1982 BOM 340] : 1983 Cr LJ 340 : (1983) 1 SCC 431 . See also *Sheopoojan Chamar v State of Bihar*, AIR 1991 SC 1462 , in addition to the principal offender, whose sentence was not modified, that of his two associates who caused minor injuries, reduced to the period already undergone.

776. *Re Thunicharam*, 1991 Cr LJ 1318 (Mad). *Pushap Raj v State of Rajasthan*, (1995) 2 Cr LJ 1776 (Raj) conviction under the section of those members who caused only simple injuries as distinguished from those who caused death. *Bhola Singh v State of Punjab*, (1995) 2 Cr LJ 1830 (P&H) causing injuries to eyewitness, conviction under the section.

777. *Amrik Singh v State of Punjab*, 1993 AIR SCW 2482 : 1993 Cr LJ 2857 : 1994 Supp (1) SCC 320 . the court reduced the sentence to the period already undergone. *Shyama Pradhan v State of Orissa*, 1996 Cr LJ 2936 (Ori), deliberate attack on the victim, probation not allowed, sentence reduced to the period already undergone.

778. *State of UP v Jamshed*, 1994 Supp (1) SCC 610 : [1994 Cr LJ 635](#) ; *Para Seenaiah v State of AP*, (2012) 6 SCC 800 [LNIND 2012 SC 314] : [AIR 2012 SC 2875](#) [LNIND 2012 SC 314] .

779. *Golak Chandra Nayak v State of Orissa*, [1993 Cr LJ 274](#) .

780. *Kamla v State of UP*, [2012 Cr LJ 2659](#) (All); *Krishna Babu Bhoir v State of Maharashtra*, [2011 Cr LJ 1813](#) (Bom).

781. *Smt. Shakunthamma v State*, [2012 Cr LJ 801](#) (Kar); *Ram Nath Deepak v State NCT of Delhi*, [2011 Cr LJ 14059](#) (Del). Plea on the part of petitioners that Sessions Court erred in framing charge against petitioners under [section 308 IPC, 1860](#) instead of [section 324 IPC](#) – Liable to be rejected.

782. *Munusamy v State of TN*, [1996 Cr LJ 3161](#) (Mad). *Ram Singh v State of Haryana*, [AIR 1998 SC 1759](#) [LNIND 1998 SC 414] : [1998 Cr LJ 2279](#) (SC), assault on victims causing grievous hurt. There was no explanation for the injuries suffered by the accused persons, who gave an explanation which seemed to be more probable, acquittal. *Mobin v State of UP*, [2000 Cr LJ 2098](#) (All), in the absence of evidence regarding internal damage underneath the injury, the injury could not be said to be grievous. Conviction under section 307 altered to one under section 324. *Ram Kumar Goutam v State of MP*, [2001 Cr LJ 1604](#) (MP), medical evidence showed that an incised wound over abdomen and two contusions on legs, wounds simple and not grievous, conviction under section 324. *Nabin Chandra Saikia v State of Assam*, [2000 Cr LJ 3824](#) (Gau), conviction for acid attack. *Ramharakh v State of UP*, [1999 Cr LJ 3001](#) (All), injuries caused were of simple nature, death because of enlarged spleen which became ruptured, which fact not known to assailants, offence under section 324 made out. *P Johnson v State of Kerala*, [1998 Cr LJ 3651](#) (Ker) injured persons admitted to hospital soon after the incident, but thereafter laxity in all respects. No case against accused persons made out. *Peedikandi Abdulla v State of Kerala*, [1998 Cr LJ 2758](#) (Ker) no offence of hurt under section 323 or of outraging modesty under section 354 made out. *Shankar Lal v State of Haryana*, [1998 Cr LJ 4595](#) : [AIR 1998 SC 3271](#) [LNIND 1998 SC 632] , the victim was assaulted with knife. As soon as he recovered consciousness, he named the accused person as the assailant. Evidence of the victim alone was held to be sufficient for conviction. *Sheo Dularey v State of UP*, [1997 Cr LJ 269](#) (All), injury with axe but simple conviction under section 324. *Dabhugotto Ithaiah v State of AP*, [1997 Cr LJ 3651](#) (AP), hurt caused with dangerous weapons in a group rivalry between political parties. Oral and documentary evidence. Conviction proper. *Kothandapani v State of TN*, [2003 Cr LJ 151](#) (Mad), the accused persons attacked with casuarina sticks and caused simple injuries on his legs, imposition of fine of Rs. 500 was considered to be enough. *Muni Lal Paswan v State of Bihar*, [2003 Cr LJ 1625](#) (Pat), allegation that the accused person assembled together and attempted to kill, but the evidence showed that only the main accused dealt blows with spade on the head of the injured victim. The conviction of the main accused was altered from section 307 to section 324 and his sentence reduced to the period already undergone. Others discharged. *Karunamoy Sarmah v State of Assam*, [2003 Cr LJ 1968](#) (Gau), simple injuries caused, scuffling over stengun. Conviction under section 324 and not section 307. *State of Karnataka v Jagadisha*, [2003 Cr LJ 2141](#) (Kant) different versions of the place of the incident and that of recovery of weapons. It was not possible to ascertain whether the incident took place inside or outside the house, this should not discredit the prosecution case, nor some irregularities and omissions in the investigation. *Mukati Pd Rai v State of Bihar*, 2005 SCC Cr LJ 681 : [AIR 2005 SC 1271](#) : (2004) 13 SCC 144 , accused wielding *lathis* trespassed into the house of the victim, and instigated others to beat them up. They received *lathi* injuries. Accused convicted under section 324/114, (offence committed in the presence of abettor).

783. *Brijesh Roopsingh Baghel v State of MP*, [2011 Cr LJ 2273](#) (MP).

784. *Pitchavadhmtiilu v State of AP*, [2011 Cr LJ 469](#) (AP).

785. *Kumar v State represented by Inspector of Police*, [AIR 2018 SC 2386](#) [[LNIND 2018 SC 262](#)] .
786. *Haren Das v State of Assam*, [2012 Cr LJ 1467](#) (Gau).
787. *Suraj Mal v State*, [2010 Cr LJ 1583](#) (Raj).
788. *Nathu v State of UP*, [1998 Cr LJ 2382](#) (All).
789. *Kamla v State of UP*, [2012 Cr LJ 2659](#) (All); *Amruta Shankarrao Deshmukh v State of Maharashtra*, [2011 Cr LJ 1147](#) (Bom).
790. *Prabhat Das v State of Tripura*, [2013 Cr LJ 1712](#) (Gau); *Naresh Kumar v State of Haryana*, [\(2012\) 9 SCC 330](#) [[LNIND 2012 SC 478](#)] : 2012 (3) SCC (Cr) 1137; *Bineesh v State of Kerala*, [2012 Cr LJ 4128](#) .
791. *Hirabhai Jhaverbhai v the State of Gujarat*, [2010 \(6\) SCC 688](#) [[LNIND 2010 SC 335](#)] : [AIR 2010 SC 2321](#) [[LNIND 2010 SC 335](#)] ; [Code of Criminal Procedure](#) (Amendment) Act, 2008 [came into force on 31 December 2009] replaced the list of compoundable offences under [section 320 of Cr PC, 1973](#) which finally resolved the confusion whether section 324 etc., are compoundable or not. See the **conflicting** views of the Supreme Court in *Manoj v State of MP*, ([AIR 2009 SC 22](#) [[LNIND 2008 SC 1920](#)]) and in *Md Abdul Sufan Laskar v State of Assam*, [2008 \(9\) SCC 333](#) .
792. *Chandrabhan v State of MP*, [2011 Cr LJ 4667](#) (MP). *Madan Lal v State*, [2013 Cr LJ 2885](#) (Utt).

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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 325] Punishment for voluntarily causing grievous hurt.

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.

COMMENT.—

This section prescribes the punishment for voluntarily causing grievous hurt except in cases provided for by section 335. 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. Considering the size of the stone which was used, as revealed by material on record, it cannot be said that a dangerous weapon was used. Therefore, the conviction was altered to [section 325 IPC, 1860](#).⁷⁹³ Where a player in a friendly cricket match blew a stump against another player which hit his head and caused death, it was held that the intention to cause death or likelihood of it being not proved, an offence under section 325 was made out, injury having been caused by a blunt weapon.⁷⁹⁴ Where medical evidence showed that attack on the forehead of the deceased was by a *lathi* and the internal injury could not be correlated to the external injury caused by the accused, it was held that the accused was liable under [section 325 IPC, 1860](#) and not under section 304, Part II, [IPC, 1860](#).⁷⁹⁵ Where two injuries were caused in a quarrel by the two accused persons each of whom inflicted one stick blow one of which proved fatal but it could not be known who had inflicted that blow and since intention to cause death was not established, conviction was altered from under section 302 to section 325 read with section 34.⁷⁹⁶ In a fight between two groups, one person received one stick blow on the head and died a week after treatment and operation. It could not be said that the accused had knowledge that blow would cause death of that person. Conviction of the accused under section 304 Part II/34 was altered to one under sections 325 and 34.⁷⁹⁷ In an altercation between father and the son, the son gave a blow on the head of his father with a heavy stick and ran away. The victim died after one week in the hospital. It was held that the attack was not pre-meditated and the offence fell under section 325 and not under section 302.⁷⁹⁸ In a case the victim had sustained a grievous injury on a vital portion of the body and the injury was life threatening, imposition of sentence of six days only, which was the period already undergone by the accused in confinement was held too lenient. However, as the parties had forgotten their differences and were living peacefully for 25 years, the Court taking into consideration the aggravating as well as mitigating factors under the facts of this case, imposed a sentence of six months' rigorous imprisonment and a fine of Rs. 25,000/- against the accused.⁷⁹⁹ In a clash over property dispute the accused party caused grievous injuries to two persons and simple injuries to some

others. The occurrence took place 17 years before and some of the accused were more than 76 years of age and one of them had died. Their conviction under section 325 was affirmed but the sentence was reduced to the period already undergone as the Court did not think it fit to send them back to jail. However, a fine of Rs. 200 was imposed on each one of them.⁸⁰⁰ In this connection, see also discussion and cases under sub-heads "Death caused without requisite 'intention or knowledge' not culpable homicide" and "single blow or *lathi* blow" under section 299, *ante*.⁸⁰¹

[s 325.1] Sentence.—

Once the accused is held guilty of commission of offence punishable under [section 325 IPC, 1860](#) then imposition of jail sentence and fine on the accused is mandatory. So far as jail sentence is concerned, it may extend up to 7 years as per court's discretion whereas so far as fine amount is concerned, its quantum would also depend upon the Court's discretion.⁸⁰² Where the victim sustained a grievous injury on a vital portion of the body, i.e., the head, which was fractured and the injury was life threatening, imposition of the sentence of six days only which was the period already undergone by the accused in confinement was held too lenient. The Supreme Court considering the aggravating as well as mitigating factors under the facts that the parties have forgotten their differences and are living peacefully imposed a sentence of 6 months' RI and a fine of Rs. 25,000/- against the accused.⁸⁰³

[s 325.2] Compounding of offence under sections 323 and 325.—

During the pendency of proceedings under these sections, the parties effected a compromise at the instance of their elders. Parties belonged to the same family and there was no previous enmity. Permission to compound the offence under section 325 was granted by the High Court.⁸⁰⁴

⁷⁹³. *Mathai v State of Kerala*, AIR 2005 SC 710 [LNIND 2005 SC 37] : (2005) 3 SCC 260 [LNIND 2005 SC 37] .

⁷⁹⁴. *Shailesh v State of Maharashtra*, 1995 Cr LJ 914 (Bom).

⁷⁹⁵. *Mohinder Singh*, 1985 Cr LJ 1903 (SC) : AIR 1986 SC 309 . See *Maiku v State of UP*, 1989 Cr LJ 860 : AIR 1989 SC 67 : 1989 Supp (1) SCC 25 , where a police party could not be convicted under this section when a lathi blow was given to an escaping witness in the course of an investigation and he died, it being not explained which of the party had played what role. *Bibhisan Barik v State of Orissa*, (1995) 1 Cr LJ 390 (Ori) where while sentencing for grievous hurt caused six years ago, the social status of the parties, genesis of the dispute were taken into account for holding that custody already undergone was sufficient punishment. *Wachittar Singh v State of Punjab*, (1995) 2 Cr LJ 1614 (P&H), grievous injuries caused by attacking the party by reason of a land dispute, those accused who caused injuries on legs with a blunt weapon were released on bail under the [Probation of Offenders Act, 1958](#). The benefit of probation was extended to other accused also. *State of Karnataka v Sririyappa*, (1995) 2 Cr LJ 2304 (Kant), here