



# OFFENCES AFFECTING THE HUMAN BODY

*JV'n Mr. Hans Kumar Sharma*

**JAYOTI VIDYAPEETH WOMEN'S UNIVERSITY, JAIPUR**

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**Author Name** Mr. Hans Kumar Sharma

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# Offences affecting the human body

(Including Offences relating to marriage)

## Introduction

In India, The Indian Penal Code, 1860 was introduced which contains various provisions to provide punishments for different offences committed within the scope of the Act. The word offence includes any act committed outside India, if committed in India would be punishable.<sup>1</sup> Indian Penal Code, 1960 was enacted to define various offences and prescribe punishment according to the different circumstances. With the changing society, it is needed by the courts to interpret the language and phrases used in the act as the makers of the law made the act according to the society of that time. Human beings are at the top of the life cycle so they consider themselves to be the most intelligent species. Law aims to prevent crimes committed by one person to the other so many offences against life were discussed in the Indian Penal Code, 1860.

Courts while deciding a case preferred many previous judgments given by different courts, and used the rules of interpretation to convict the accused. The most essential part of the fair trial is to understand the true nature of the act and prescribe the punishment according to it while interpreting the act. To serve the proper justice and maintain law and order in the country it is necessary to understand the pure intention of the legislature while framing the laws.

**Under the Indian Penal Code, 1860 there are various offences affecting life, which includes:**

Chapter XVI – Of Offences Affecting Life

Section 299:- Culpable homicide

Section 300:- Murder

Section 301:- Culpable homicide by causing death of person other than person whose death was intended

Section 302:- Punishment for murder

Section 303:- Punishment for murder by life-convict

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Section 317:- Exposure and abandonment of child under twelve years, by parent or person having care of it

Section 318:- Concealment of birth by secret disposal of dead body

Section 319:- Hurt

Section 320:- Grievous hurt

Section 321:- Voluntarily causing hurt

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Section 324:- Voluntarily causing hurt by dangerous weapons or means

Section 325:- Punishment for voluntarily causing grievous hurt

Section 326:- Voluntarily causing grievous hurt by dangerous weapons or means

Section 326A:- Voluntarily causing grievous hurt by use of acid, etc.1

Section 326B:- Voluntarily causing grievous hurt by use of acid, etc.1

Section 327:- Voluntarily causing hurt to extort property, or to constrain to an illegal act

Section 328:- Causing hurt by means of poison, etc., with intent to commit and offence

Section 329:- Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act

Section 330:- Voluntarily causing hurt to extort confession or to compel restoration of property

Section 331:- Voluntarily causing grievous hurt to extort confession, or to compel restoration of property

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Section 376E:- Punishment for repeat offenders<sup>1</sup>  
Section 377:- Unnatural offences

In the degradation of society, human beings often attempt or cause the death of the other human body for many reasons as they consider themselves to be superior among all so any an act that affects the life of any human body is defined and punishable under this code. In India, the judges have been provided wide discretion in interpreting various offences defined under this act and awarding appropriate punishment or sentences according to the given circumstances of the case provided.<sup>2</sup>

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<sup>2</sup> State of MP v. Bablu Natt, AIR 2008

## Chapter XVI – Of Offences Affecting Life

### Section 299:- Culpable homicide

Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

#### Illustrations

A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z' death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B or to cause death by doing an act that he knew was likely to cause death.

#### Explanations

A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

The causing of the death of a child in the mother' womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

## **Section 300:- Murder**

Except in the cases hereinafter excepted, culpable homicide is murder —

If the act by which the death is caused is done with the intention of causing death, or

If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused. or

If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or

If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

### **Illustrations**

A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z' death.

A without any excuse fires a loaded cannon into a crowd of persons and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

### **Exception 1**

When culpable homicide is not murder – Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident.



**The above exception is subject to the following provisos:**

**Provisos**

That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

That the provocation is not given by anything done in the lawful exercise of the right of private defence.

**Explanations**

Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.

**Illustrations**

A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z' child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.

A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in the exercise of his powers.

A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A' deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.

A attempts to pull Z' nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, inasmuch as the provocation was given by a thing done in the exercise of the right of private defence.

Z strikes B. B is by this provocation excited to violent rage. A, a bystander, intending to take advantage of B' rage, and to cause him to kill Z, puts a knife into B' hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

### **Exception 2**

Culpable homicide is not murder if the offender in the exercise in good faith of the right of private defence or person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

### **Illustrations**

Z attempts to horsewhip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other means prevent himself from being horsewhipped, shoots Z dead. A has not committed murder, but only culpable homicide.

### **Exception 3**

Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

### **Exception 4**

Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender' having taken undue advantage or acted in a cruel or unusual manner.

### **Explanations**

It is immaterial in such cases which party offers the provocation or commits the first assault.

### **Exception 5**

Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

### **Illustrations**

A, by instigation, voluntarily causes Z, a person under eighteen years of age, to commit suicide. Here, on account of Z' youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

## **Section 301:- Culpable homicide by causing death of person other than person whose death was intended**

If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person, whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

In the case, *The Emperor v. Mushnoora Suryanarayana Murthy*<sup>3</sup>, the limelight was given to section 301. The accused with an intention of killing the victim added some poison to the food item. Later on, other persons consumed that food item given to the victim due to which he died instantly while the victim recovered from the poison. In the court, a question was raised whether the accused will be liable or not under the court of law?

It was ruled out that the language used in sections 299 and 300 is overlapping and since there is an involvement of the knowledge that could cause the death of the person, the accused was convicted under section 301.

## **Section 302:- Punishment for murder**

Whoever commits murder shall be punished with death, or imprisonment for life, and shall also be liable to fine.

### **303. Punishment for murder by life-convict**

Whoever, being under sentence of 1 [imprisonment for life], commits murder, shall be punished with death.

### **304. Punishment for culpable homicide not amounting to murder**

Whoever commits culpable homicide not amounting to murder, shall be punished with 1 [imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or with imprisonment of either description for a term which may extend to ten years, or with

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<sup>3</sup> AIR 1912, 22 MLJ 333

fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death. The punishment for culpable homicide not amounting to murder is life imprisonment or imprisonment for a term extending to 10 years and also liable to fine.<sup>4</sup> If the act is done with the knowledge that such an act is likely to cause death but without any intention to cause death then the punishment is extended to 10 years and fine. In this section, the punishment depends on the presence of intention which is drawn from the circumstance of the case.

In a case, *Shanmugam v. State of T.N.*<sup>5</sup>, the accused was charged under S.299, 300, and 304. The court while awarding the punishment held that the accused stabbed the deceased in his chest due to which he died so the intention and knowledge could be clearly established from the facts of the case. The accused was convicted under section 304 (1) of IPC.1860.

### **Section 304A:- Causing death by negligence**

Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

### **Section 304B:- Dowry death**

Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.

### **Explanations**

For the purposes of this sub-section, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

### **Section 305:- Abetment of suicide of child or insane person**

If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication commits suicide, whoever abets the commission of such suicide, shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

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<sup>4</sup> Schedule 1, crpc

<sup>5</sup> AIR 2003 SC 209

### **Section 306:- Abetment of suicide**

If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

### **Section 307:- Attempt to murder**

Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

**Attempts by life-convicts** – When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death.

#### **Illustrations**

A shoots at Z with intention to kill him, under such circumstances that, if death ensued A would be guilty of murder. A is liable to punishment under this section

A, with the intention of causing the death of a child of tender years, exposes it in a desert place A has committed the offence defined by this section, though the death of the child does not ensue.

A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and, if by such firing he wounds Z, he is liable to the punishment provided by the latter part of the first paragraph of this section.

A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A' keeping; A has not yet committed the offence in this section. A places the food on Z' table or delivers it to Z' servants to place it on Z' table. A has committed the offence defined in this section.

### **Section 308:- Attempt to commit culpable homicide**

Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

#### **Illustrations**

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he there by caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.

### **Section 309:- Attempt to commit suicide**

Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year or with fine, or with both.

### **Section 310:- Thug**

Whoever, at any time after the passing of this Act, shall have been habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with murder, is a thug.

### **Section 311:- Punishment**

Whoever is a thug, shall be punished with imprisonment for life, and shall also be liable to fine.

### **Section 312:- Causing miscarriage**

Whoever voluntarily causes a woman with child to miscarry, shall if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanations

A woman who causes herself to miscarry, is within the meaning of this section.

### **Section 313:- Causing miscarriage without woman's consent**

Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with 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.

### **Section 314:- Death caused by act done with intent to cause miscarriage**

Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

**If act done without woman's consent** – and if the act is done without the consent of the woman, shall be punished either with imprisonment for life, or with the punishment above mentioned.

### **Explanations**

It is not essential to this offence that the offender should know that the act is likely to cause death.

### **Section 315:- Act done with intent to prevent child being born alive or to cause it to die after birth**

Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

### **Section 316:- Causing death of quick unborn child by act amounting to culpable homicide-**

Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

### **Illustrations**

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this section.

### **Section 317:- Exposure and abandonment of child under twelve years, by parent or person having care of it**

Whoever being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

### **Explanations**

This section is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be, if the child die in consequence of the exposure.

### **Section 318:- Concealment of birth by secret disposal of dead body**

Whoever, by secretly burying or otherwise disposing of the dead body of a child whether such child die before or after or during its birth, intentionally conceals or endeavors to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

### **Section 319:- Hurt**

Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

### **Section 320:- Grievous hurt**

The following kinds of hurt only are designated as “grievous”:

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.

### **Section 321:- Voluntarily causing hurt**

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”.

### **Section 322:- Voluntarily causing grievous hurt**

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”.

#### **Explanations**

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.

#### **Illustrations**

A, intending or knowing himself to be likely permanently to disfigure Z’ face, gives Z a blow which does not permanently disfigure Z’ face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.



### **Section 323:- Punishment for voluntarily causing hurt**

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.

### **Section 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 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 imprisonment of either description for a term which may extend to three years, or with fine, or with both.

### **Section 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.

### **Section 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 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.

### **Section 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.

### **Section 326B:- Voluntarily causing grievous hurt by use of acid, etc.1**

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 bums 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.

#### **Explanations**

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.

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

### **Section 327:- Voluntarily causing hurt to extort property, or to constrain to an illegal act**

Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

### **Section 328:- Causing hurt by means of poison, etc., with intent to commit and offence**

Whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or unwholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

### **Section 329:- Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act**

Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything that is illegal or which

may facilitate the commission of an offence, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

### **Section 330:- Voluntarily causing hurt to extort confession or to compel restoration of property**

Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

#### **Illustrations**

A, a police-officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.

A, a police-officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.

A, a revenue officer, tortures z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section.

A, a zamindar, tortures a raiyat in order to compel him to pay his rent. A is guilty of an offence under this section.

### **Section 331:- Voluntarily causing grievous hurt to extort confession, or to compel restoration of property**

Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

### **Section 332:- Voluntarily causing hurt to deter public servant from his duty**

Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

**Section 333:- Voluntarily causing grievous hurt to deter public servant from his duty**

Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Section 334:- Voluntarily causing hurt on provocation**

Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

**Section 335:- Voluntarily causing grievous hurt on provocation**

Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation shall be punished with 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.

**Explanations**

The last two sections are subject to the same provisos as Exception 1, section 300.

**Section 336:- Act endangering life or personal safety of others**

Whoever does any act so rashly or negligently as to endanger human life or the personal safety others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees, or with both.

**Section 337:- Causing hurt by act endangering life or personal safety of others**

Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

**Section 338:- Causing grievous hurt by act endangering life or personal safety of others**

Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

**Section 339:- Wrongful restraint**

Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

**Exceptions**

The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

**Illustrations**

A obstructs a path along which Z has a right to pass. A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

## **Chapter XX – Of Offences Relating to Marriage**

### **Section 493:- Cohabitation caused by a man deceitfully inducing a belief of lawful marriage**

Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

### **Section 494:- Marrying again during lifetime of husband or wife**

Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

#### **Exceptions**

This section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

### **Section 495:- Same offence with concealment of former marriage from person with whom subsequent marriage is contracted**

Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Section 496:- Marriage ceremony fraudulently gone through without lawful marriage**

Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**Section 497:- Adultery**

Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor.

**Section 498:- Enticing or taking away or detaining with criminal intent a married woman**

Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.



Contact Us:

University Campus Address:

## Jayoti Vidyapeeth Women's University

Vadaant Gyan Valley, Village-Jharna, Mahala Jobner Link Road,  
Jaipur Ajmer Express Way, NH-8, Jaipur- 303122, Rajasthan (INDIA)

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