

UNIT – III (EXPANDED)

Offences Affecting Human Body

Culpable Homicide • Murder • Hurt & Grievous Hurt
Wrongful Restraint • Criminal Force & Assault

Criminal Law Series



Detailed Topic-wise Coverage

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Definition, ingredients & illustrations

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Section 299 – The Starting Point

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.

Act causing death

There must be an act (or illegal omission) that results in death.

Mental element

One of the three forms of mens rea mentioned in the section must exist.

Causal link

The death must be caused by the act of the accused (not too remote).

Intention & Knowledge Explained

1

Intention to cause death

The accused wanted the victim to die. This is the strongest form of mens rea.

Example: A shoots B in the chest at close range with a loaded gun, wanting to kill him.

2

Intention to cause likely injury

Accused intended to cause a bodily injury that he knew was likely to cause death.

Example: A stabs B in the abdomen knowing that such injury is likely to prove fatal.

3

Knowledge of likelihood

Accused did not necessarily intend death, but knew that his act was likely to cause death.

Example: A drives a car at high speed through a crowded market, knowing it is likely to kill someone.

Four Clauses – When Homicide Becomes Murder

Clause 1 **Intention to cause death**

Act done with the intention of causing death. Clearest case of murder.

Clause 2 **Intention + Known likelihood**

Intention to cause bodily injury knowing that it is likely to cause the death of the person to whom the harm is caused.

Clause 3 **Injury sufficient in ordinary course**

Intention to cause bodily injury that is sufficient in the ordinary course of nature to cause death. (Most frequently used clause.)

Clause 4 **Imminently dangerous act**

Knowledge that the act is so imminently dangerous that it must in all probability cause death or such injury as is likely to cause death, and committed without any excuse.

Injury Sufficient in the Ordinary Course of Nature

This clause is the workhorse of murder prosecutions. The prosecution need not prove that the accused intended to kill. It is enough to prove that he intended to cause a particular injury, and that the injury intended was sufficient in the ordinary course of nature to cause death.

Step 1

Was a bodily injury actually caused?

Step 2

Did the accused intend to cause that particular injury?

Step 3

Is that injury sufficient in the ordinary course of nature to cause death?

Landmark

Virsa Singh v. State of Punjab – classic exposition of Clause 3.

When Culpable Homicide is not Murder

Exception 1 **Grave & Sudden Provocation**

Offender loses self-control due to grave and sudden provocation. Must not be self-induced. No cooling time.

Exception 2 **Exceeding Private Defence**

Exceeds the right of private defence in good faith, without premeditation and without intending more harm than necessary.

Exception 3 **Public Servant's Excess**

Public servant (or person aiding) exceeds lawful powers, acts in good faith, believes he is bound/justified, without ill-will.

Exception 4 **Sudden Fight**

Death caused in a sudden fight in the heat of passion upon a sudden quarrel, without premeditation and without taking undue advantage or acting in a cruel manner.

Exception 5 **Consent**

Person above 18 years suffers death or takes the risk of death with his own consent.

Applying the Law to Facts

Murder – Clause 1

A, after a long-standing enmity, waits for B and shoots him in the head. Clear intention to cause death → Murder.

Murder – Clause 3

A stabs B thrice in the chest with a large knife. The injuries are sufficient in the ordinary course of nature to cause death → Murder under Clause 3 (even if A claims he only wanted to injure).

Exception 1 – Provocation

A comes home and finds his spouse in a compromising position with C. In a sudden rage he picks up a nearby object and kills C. If the provocation was grave and sudden and there was no cooling time, Exception 1 may apply.

Exception 4 – Sudden Fight

Two neighbours quarrel over a boundary, a scuffle ensues, and one hits the other with a brick lying nearby, causing death. If there was no premeditation and no undue advantage, Exception 4 may be considered.

Side-by-Side Comparison

Point	Culpable Homicide	Murder
Mental Element	Intention / knowledge of likelihood	Higher degree of intention or knowledge
Probability	Injury “likely” to cause death	Injury “sufficient in ordinary course”
Punishment	Sec 304 – Life or up to 10 years	Sec 302 – Death or life + fine
Relationship	Genus (broader)	Species of culpable homicide
Exceptions	Not applicable	Five exceptions can reduce to 304

Simple Hurt – Meaning & Scope

Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt. The definition is wide. Even a slight injury causing bodily pain is sufficient. Mental agony alone does not amount to hurt.

Bodily Pain

Physical pain is enough. No need for visible injury or lasting damage.

Disease

Communicating a disease (e.g., intentional infection) can be hurt.

Infirmity

Temporary or permanent impairment of an organ's function.

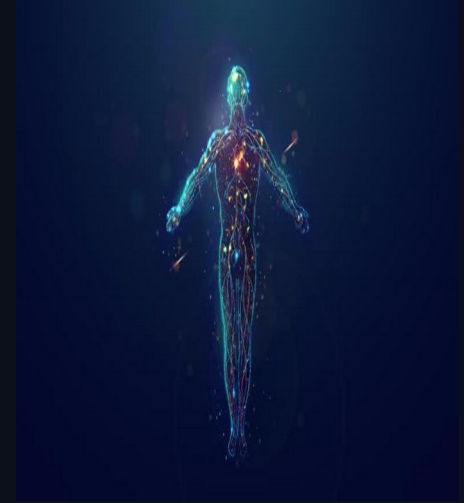
Punishment (323)

Voluntarily causing hurt – up to 1 year imprisonment, or fine up to ₹1,000, or both.

Only These Eight Injuries Qualify

Section 320 exhaustively lists what amounts to grievous hurt. If the injury does not fall under any of the eight clauses, it remains simple hurt even if it looks serious.

1. Emasculation
2. Permanent privation of sight of either eye
3. Permanent privation of hearing of either ear
4. Privation of any member or joint
5. Destruction or permanent impairing of the powers of any member or joint
6. Permanent disfiguration of the head or face
7. Fracture or dislocation of a bone or tooth
8. Any hurt which endangers life or causes severe bodily pain for 20 days or more / inability to follow ordinary pursuits



How Each Category Works

Fracture / Dislocation

A punches B and breaks his nose bone or dislocates his shoulder. This is grievous hurt under clause 7.

Permanent Disfiguration

A throws acid on B's face leaving permanent scars. This is grievous hurt under clause 6.

Endangering Life / 20 Days

A causes deep injuries that keep B in hospital for more than 20 days unable to follow ordinary pursuits → clause 8.

Privation of Member

A cuts off B's finger or causes loss of use of a hand. This falls under clauses 4 or 5.

Obstructing Free Movement

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.

Partial Obstruction

Only a particular direction is blocked. The person can still go elsewhere.

Right to Proceed

The victim must have a legal right to proceed in that direction.

Means of Obstruction

Physical barrier, threat, or any voluntary act that prevents movement.

Example

A stands in front of B's car and refuses to move, preventing B from driving to work.

Total Restraint within Limits

Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said wrongfully to confine that person. It is a more serious form of restraint.

Total Restriction

Victim cannot proceed beyond the limits set by the accused.

Circumscribing Limits

A room, a house, a compound, or any defined area.

Aggravated Forms

Confinement for 3+ days (Sec 343), 10+ days (Sec 344), or secret confinement (Sec 346) carry higher punishment.

Example

A locks B inside a room and takes away the key, preventing B from leaving the room at all.

Actual Use of Force without Consent

Force is used when a person causes motion, change of motion, or cessation of motion to another (or to a substance that affects the other). It becomes criminal force when used intentionally without the person's consent, intending to commit an offence or to cause injury, fear or annoyance.

Physical Contact

Pushing, dragging, or striking a person.

Through Object

Throwing a stone, pouring hot water, or setting a dog on someone.

Without Consent

Consent obtained by fear or misconception is not valid consent.

Example

A snatches B's bag forcefully from his hand → criminal force.

Creating Apprehension of Force

Whoever makes any gesture or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

No Contact Needed

Assault is complete even if no physical force is actually used.

Apprehension Essential

The victim must apprehend that force is about to be used against him.

Gesture or Preparation

Raising a fist, pointing a gun, brandishing a stick, etc.

Mere Words

Words alone do not amount to assault unless accompanied by gestures.

Quick Distinctions for Exams

Culpable Homicide vs Murder

All murder is culpable homicide. Murder requires a higher degree of intention or knowledge (or falls under one of the four clauses of Sec 300 without any exception).

Hurt vs Grievous Hurt

Hurt is any bodily pain, disease or infirmity. Grievous hurt is only the eight specific injuries listed in Sec 320.

Wrongful Restraint vs Confinement

Restraint = preventing movement in a particular direction. Confinement = preventing movement beyond certain limits (total).

Assault vs Criminal Force

Assault = creating apprehension of force (no contact needed). Criminal force = actual application of force without consent.

Unit-III – Consolidated Points

01

Sec 299 is the Genus

Culpable homicide is the broad offence. Murder is a species of it.

02

Clause 3 is Crucial

Most murder cases are decided under the 'sufficient in ordinary course of nature' test (Virsa Singh).

03

Five Exceptions

Provocation, private defence excess, public servant excess, sudden fight, and consent can reduce murder to culpable homicide not amounting to murder.

04

Grievous Hurt is Exhaustive

Only the eight categories in Sec 320 qualify. Everything else is simple hurt.

05

Restraint < Confinement

Confinement is total restriction and is punished more severely.

06

Assault ≠ Contact

Assault is about apprehension; criminal force is about actual use of force.



Thank You

"The law protects life, limb and liberty with carefully graded offences."

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