

It he intended, or  
knew that he



**ASSIGN  
BUSTER**

It is an essential ingredient of the offence under Section 325 that either grievous hurt should be intended to be caused or the offender should have knowledge that the hurt caused was likely to be grievous. The points requiring proof of voluntarily causing grievous hurt are: 1) That the accused caused hurt. 2) That the hurt caused was 'grievous' 3) That he intended, or knew that he was likely to cause grievous hurt. It becomes necessary to examine a medical witness to ascertain whether the injuries are any of those specified in Section 326.

It is not the business of the medical officer to classify a hurt as grievous or simple; his duty is merely to describe facts, upon which it is the duty of the Magistrate to find whether the hurt is grievous or otherwise. The bare certificate of a medical officer is not evidence; he must be examined in the presence of the accused, who has the right to cross-examine him. This offence is cognizable, but summons should ordinarily issue in the first instance. It is bailable but is compoundable only with the leave of the court. It is triable by any Magistrate.