

Explanation: meaning
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**ASSIGN
BUSTER**

Explanation: Mere words do not amount to an assault.

But the words which a person uses may give to his gesture or preparation such a meaning as may make those gestures or preparations amount to an assault. In other words whoever makes (i) any gesture or preparation (ii) intending or knowing it to be likely (iii) that such gesture or preparation will cause any person present to apprehend (iv) that he is about to use criminal force to that person, is said to commit an assault (Section 351). Mere words do not amount to an assault, but a person may give to his gestures and preparations the necessary meaning and significance. Criminal force includes an assault. An assault is something less than criminal force, the force being cut short before the blow is struck. An assault is nothing more than a threat of violence exhibiting an intention to use criminal force. There must be present ability and intention to carry the threat into execution.

A conditional threat of force to be used later on in a certain contingency is not assault. The question whether a certain act amounts to an assault depends upon the reasonable apprehension which a person entertains about criminal force being imminent. A person who lifts a stick to hit another, that gesture is enough to give a reasonable apprehension of the force to be used and hence constitutes the act of assault. The accused raised a lathi to strike at another and aimed a blow which did not take effect.

The Court held that it was enough to constitute an assault. Illustrations: (i) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault, (ii) A begins to unloose the muzzle of a ferocious dog intending or knowing it to

be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z. (iii) A takes up a stick, saying to Z, ' I will give you a beating'.

Here the words used by A, could in no case amount to an assault and though the mere gesture, unaccompanied by any other circumstances might not amount to an assault, the gesture explained by the words may amount to an assault. Ingredients of offence: The essential ingredients of the offence under Section 351 are as follows: (1) Accused excited a reasonable apprehension that he intends immediately to offer violence; (2) Accused excited an apprehension that he is about to use criminal force; (3) There must be threat coupled with present ability of the accused to carry his intention into effect.