

According not be  
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meaning of



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According to Section 319 of the Indian Penal Code, whoever causes bodily pain, disease or infirmity to any person is said to cause hurt. The expression 'bodily pain' means that the pain must be physical as opposed to any mental pain. So mentally or emotionally hurting somebody will not be 'hurt' within the meaning of Section 319.

However, in order to come within this section, it is not necessary that any visible injury should be caused on the victim. All that the section contemplates is the causing of bodily pain. The degree or severity of the pain is not a material factor to decide whether Section 319 will apply or not. The duration of pain is immaterial. Pulling a woman by the hair would amount to hurt. 'Causing disease' means communicating a disease to another person.

However, the communication of the disease must be done by contact.

Causing of nervous shock or mental derangement by some voluntary act of the offender is covered by Section 319. The duration of the state of mental infirmity is immaterial. 'Infirmity' means inability of an organ to perform its normal function which may either be temporary or permanent. It denotes an unsound or unhealthy state of the body or mind, such as a state of temporary impairment or hysteria or terror. 'Infirmity' denotes an unsound or unhealthy state of the body.

This infirmity may be a result of a disease or as a result of consumption of some poisonous, deleterious drug or alcohol. As per Section 319, the hurt must be caused to 'any person'. This means 'any person' other than the person causing the hurt.

The causing of bodily pain must be caused by direct application of force to the body is clearly erroneous as there is nothing in Section 319 to suggest that the hurt should be caused by direct physical contact between the accused and his victim. Where the direct result of an act is the causing of bodily pain, it is hurt whatever be the means employed to cause it. Where there is no intention to cause death or bodily injury as is likely to cause death or there is no knowledge that death is likely to be caused from the harm inflicted, and death is caused, the accused would be guilty of hurt only if the injury caused was not serious. In *Marana Goundan v. R* [AIR 1941 Mad. 560] the accused demanded money from the deceased which the latter owed him. The deceased promised to pay later. Thereafter the accused kicked him on the abdomen and the deceased collapsed and died.

The accused was held guilty of causing hurt as it could not be said that he intended or knew that kicking on the abdomen was likely to endanger life. In *Naga Sheve po v. R* [(1883) SJLB 179] the accused struck a man one blow on the head with a bamboo yoke and the injured man died afterwards in a hospital.

He was guilty of an offence of causing hurt under Section 319 because there was no intention to cause death and the blow in itself was not of such a nature as was likely to cause death. In *Arjuna Sahu v. State* [31 Cut. L. T. 831] it was observed that a push on the neck is likely to cause some bodily pain within the meaning of Section 319 though in some cases it may be so slight.

Self-inflicted hurt does not come within the purview of Section 319. Section 321 elaborates on what amounts to voluntarily causing hurt.