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The explanation attached to the section explains that sections 334 and 335 are subject to the same provisos as exception 1 to section 300. This is a diminished responsibility provision with respect to sections 325 and 326 of the Code. The requirement of the section is that grievous hurt must be caused voluntarily on grave and sudden provocation, and intention to cause, or knowledge that the offender is likely to cause, grievous hurt to any other person than the person who gave the provocation must be absent. Sections 325 and 326 have specifically made this section an exception.

This section is also subject to the three provisos mentioned in exception 1 to section 300 of the Code. Whether the provocation was grave or sudden would naturally depend upon the facts and circumstances of each case. The Bombay High Court has held that in the absence of the exact words which were uttered the abuses involving the mother and sister could not be held to be grave and sudden provocation as this kind of language is quite commonly used by rustic villagers like the accused and the victim.

Where the accused husband was suspicious of the character of his wife and he hid himself to see his wife with her paramour, and when he saw the commission of improper act he came out and inflicted grievous injuries on his wife, it was held that even if such act on the part of the wife could be assumed to cause grave provocation, the provocation could not be held to be sudden. Where the deceased made overtures to a woman who was related to the accused and also abused him, and the accused inflicted a blow at the back of the deceased which resulted in his death due to the rupture of his enlarged spleen, this section was held to be applicable. In *State of M. P. v.*

Rajesh the victim had got lavatory urinal and bathroom in his own house but despite that he used to urinate near the house of the accused in spite of his persistent objections. It was held that this amounted to provocation and the accused was entitled to the benefit of section 335 of the Code when he attacked the victim and caused grievous hurt. The offence under section 335 is cognizable, bailable and compoundable when permitted by the court trying the case, and is triable by a magistrate of the first class.