

There dealing with offences affecting the human body



There must be an assault or use of criminal force to any person and this must be done on grave and sudden provocation given by that person. The section recognises that assault or use of criminal force under grave and sudden provocation deserves to be a part of the principle of diminished responsibility and, therefore, it has been treated very lightly. The maximum imprisonment prescribed is only for one month and that too only simple imprisonment, not rigorous. According to the explanation, which is same as applicable to section 352, the provocation must not be sought or voluntarily provoked by the offender as an excuse for the offence, or must not be given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant, or must not be given by anything done in the lawful exercise of the right of private defence. Whether the provocation was grave and sudden enough to mitigate the offence is a question of fact.

The offence under section 358 is non-cognizable, bailable and compoundable, and is triable by any magistrate. Of Kidnapping, Abduction, Slavery and Forced Labour Sections 359 to 374 of the sixteenth chapter of the Code dealing with offences affecting the human body relate to offences of kidnapping, abduction, slavery and forced labour.