

Firstly:- or tooth.
eighthly:- any hurt
which



Firstly:- Emasculation. Secondly:- Permanent privation of the sight of either eye. Thirdly:- Permanent privation of the hearing of either ear.

Fourthly:- Privation of any member or joint. Fifthly:- Destruction or permanent impairing of the powers of any member or joint. Sixthly:- Permanent disfiguration of the head or face. Seventhly:- Fracture or dislocation of a bone or tooth. Eighthly:- Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain or unable to follow his ordinary pursuits.

" Grievous hurt is a more serious kind of hurt. It must be a hurt of any of the eight kinds stated in Section 320 of the Code. Therefore, unless a hurt caused comes within the injuries specified in Section 320, this Section will not apply. Grievous bodily harm is not necessarily either permanent or dangerous, but harm that seriously interfered with health or comfort. That is sufficient of constitute the offence. Clauses 1 to 7 of Section 320 state the specific nature of injuries, such as emasculation, loss of sight, loss of hearing, loss of limb or joint, loss of use of any limb or joint, disfiguration of the head or face, fracture or dislocation of a bone or tooth.

The eighth clause is a general clause which covers all injuries which endanger life or which cause bodily pain or disrupts a person's routine activity for 20 days or more. But every grievous hurt need not be one which endangers life. 1. Emasculation: ' Emasculation' means depriving a person of masculine vigour, castration. Causing injury to the scrotum as would render a man impotent is an offence under Section 320. Injuries to membera private are a peculiar offence and very often prove most dangerous.

Emasculation is unsexing the man. 2. Injuring eyesight: Injury to eyesight has the effect of permanently depriving the injured of the use of one or both of his eyes. The test of the gravity is the permanency of the injury, which may be caused by hand as by gouging out one's eye with the thumbnail, or by poking it with a stick, or the like. The injury is grievous, both because it deprives a man of an organ of sight, as also because it disfigures him for life.

3. Causing deafness: Causing deafness is a serious injury to deprive a man of his sense of hearing. Such injury may be caused by a stunning blow, given on the head or the ear or those parts of the head which communicate with and injure the tympanum or other auditory nerves, thrusting a stick into the ear, or pouring into it some substance which leads to deafness. 4.

Loss of Limb (Privation of any member or joint): The permanent 'privation of any member or joint' is another instance of grievous hurt. It refers to the old English offence of 'mayhem'. According to Hawkins, 'mayhem' means "violently depriving another of the use of such of his members as may render him the less able in fighting, either to defend himself, or to annoy his adversary.

And therefore, the cutting off or disabling or weakening a man's hand or fingers or striking out his eye or foretooth, or depriving him of those parts, the loss of which in all animals abate their courage are held to be mayhems." The term 'member', here, means nothing more than an organ or a limb, being a part of man capable of performing a distinct office. As such it includes both the eyes, the ears, the nose, mouth, hands, feet and in fact, all distinct parts of the human body designed to perform a distinct office. A '

joint' is a place where two or more bones or muscles join. So there are well-known joints in human anatomy at the lower jaw, shoulder, elbow, wrist, thumb, hip, knee, and great toe. All these joints are in the nature of hinges which perform a similar function. Their permanent privation must involve such injury to them as makes them permanently stiff, so that they are unable to perform the normal function assigned to them in human physiology.

5. Impairing of limb (Destruction or permanent impairing of the powers of any member or joint): This offence also refers to the old English offence of mayhem. The meaning of 'member' and 'joint' is the same as given in previous clause. The use of limb and joint is essential to the proper discharge of the normal functions incident to ordinary life. Their deprivation involves lifelong crippling with its attendant defenselessness and misery. This clause sanctions the same policy of the law in making it a grievous hurt to destroy or permanently impair the use of any limb or joint without causing its total deprivation or destruction. The clause speaks of 'destruction or permanent impairing' of their power, which would include not only the total but also a particular use of the limb or joint.

6. Permanent disfiguration of the head or face: 'Disfiguration' means doing a man some external injury which detracts from his personal appearance but does not weaken him, as the cutting of a man's nose or ears. The word 'disfigure' must be distinguished from 'disable'. To disfigure is to do a man some external injury which detracts from his personal appearance, but does not weaken him; but to 'disable' is to do something creating a permanent disability and not a mere temporary injury. In *Anta Dadoba v.*

R [(1863) 1 BHC 101], it was held that the injury caused by branding with a red-hot iron on the cheeks of a girl is disfiguration under Section 320. In *Gangaram v. State* [1984 Cr. LJ 180 (Raj.)], the accused went with a razor to the house of a dancing girl and cut the bridge of her nose with it, which according to doctors permanently disfigured her face, the case of the accused clearly fell within clause Sixthly of Section 320 IPC. 7.

Fracture or dislocation of a bone or tooth: The fracture or dislocation of a bone or tooth is another species of grievous hurt, which may or may not be attended with permanent disability. 'Fracture' means breaking. 'Dislocation' means displacement as applied to a bone moved out of its stock. Fracture or dislocation of a bone or tooth causes great pain and suffering to the injured person and hence it is considered grievous hurt. If there is a break by cutting or splintering of the bone or there is rupture or fissure in it, it would amount to a fracture within the meaning of this clause. In *Narinder Singh v. Sukhbir Singh* [1992 Cr.

LJ 2616 (P & H)], it has been held that a mere partial cut of the bone amounts to fracture and is, therefore, a grievous injury within the meaning of Section 320 of the Code. In *Naib Singh v. State of Punjab* [1986 Cr. LJ 2061 SC], the victim was struck on the middle of head by Sandasa and bleeding injury was caused through the turban, the accused was held guilty for causing grievous hurt under Sec. 320 clause Seventhly. In *Jiva v.*

Ft [(1891) Unrep. Cr. C 558], the accused threw his wife from a window above six feet high, but the fall was broken by a weather-board fixed just

below it which resulted in the fracture of the knee-pan and in several small wounds, it was held that he was guilty of causing grievous hurt. 8.

Endangering life, severe bodily pain etc. This clause refers to three clauses of injuries namely: (i) Those which endanger life; (ii) Those which cause severe bodily pain for 20 days; and (iii) Those which disable the victim to follow his ordinary pursuit for 20 days. The test of grievousness is the sufferer's inability to attend to his ordinary duties for a period of twenty days. The mere fact that the sufferer was hospitalized for twenty or more days would not be sufficient, he must have been during that period unable to follow his ordinary pursuits. Continuance of severe bodily pain for 20 days or disability to follow one's avocation for 20 days constitutes grievous hurt, if it continues for a period less than 20 days it would be an offence of hurt.