

Illustrations: causing
the death of a child of



**ASSIGN
BUSTER**

Illustrations: (1) A, with the intention of causing the death of a child of tender years exposes it in a desert place.

A has done an act which amounts to an attempt to commit murder. (2) A intending to murder Z, by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence here defined. A places the food on Z's table or delivers it to Z's servants to place on Z's table, A has done an act amounting to an attempt to murder. (3) A shoots at Z with intention to kill him, under such circumstances if death ensued, A would be guilty of murder. A is liable to punishment under Section 307. In a sudden dispute the appellant picked up the axe, which is an agricultural implement, from his house and wielded it on his brother. The injuries were simple. The weapon said to be an axe failed to cause damage to the underlying organs of the chest.

The injuries cannot thus be treated as forming a basis for the charge under Section 307, I. P. C. In these circumstances, the element of intention, which is an ingredient of Section 307, I. P.

C., is found wanting and it is an offence under Section 324 voluntarily causing hurt by instrument of cutting and not under Section 307, I. P. C., attempt to murder. Since an attempt to an abortive act or an act which falls short of its intended consequence, the victim of such attempt may not suffer harm and where he suffers, penalty is severe than where he does not suffer such harm.

A shoots through a window towards B's bed where he is believed to be asleep: actually the bed is empty and B is in another room. A is guilty of an offence under Section 307 for attempt to murder.