

Here allahabad high  
court also ruled  
similar liability



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Here also, as in the preceding section, cases provided by section 334, that is to say, voluntarily causing hurt on grave and sudden provocation, have been excepted. The object of this provision is to penalise more severely such cases of voluntarily causing hurt where dangerous weapon or means have been used. The Patna High Court is of the view that a case of tooth bite injury on the lower lip falls under this section, and also may fall under section 326 where the injury caused is grievous, because though tooth is a part of the body it can be characterised as an 'instrument' within the meaning of section 324. The Allahabad High Court also ruled similar liability in a case of nose bite.

Single injury at the back of the neck, injury caused by a broken bottle on the right shoulder without the knowledge that the deceased had been suffering from tendency of excessive bleeding, and causing simple injury on the head by a farsa blow were all held to be offences under this section. Where hurt was caused by dangerous weapon, and though the injuries inflicted were somewhat serious an offence under section 307 for attempt to commit murder was not made out, it was held that the proper conviction would be under section 324 of the Code. Where the accused gave one blow on the head of the seventy year old deceased by a spade lying on the spot in the course of an altercation and the blow caused linear fracture of the left frontal bone, it was held that the accused should be convicted under section 324 and not under section 326 of the Code. Where the first accused gave a fatal blow on the head of the deceased, the second spear blows on his knee and the arm, and the third merely gave blows, and latter injuries were simple in nature, it was held that in the absence of evidence of application of section

34, the first accused was guilty under section 304 Part I, the second under section 324 and the third under section 323.

Where the accused was a municipal employee and a first offender, and neither was the incident pre-planned nor was the injury serious, it was held that benefit of probation must be given to him. It was observed by the court that not giving probation benefit by the lower court and not recording any special reasons for doing so was not proper because assigning reasons is mandatory in such cases. The offence under section 324 is cognizable, bailable and compoundable, and is triable by any magistrate.