



# OFFENCES AFFECTING HUMAN BODY

**S. M. Saiful Haque**

Concepts and Meaning of the Terms

Identifying Relevant elements and cond.

Punishments and examples in the PC 1860

## THE PENAL CODE, 1860 (Sections 1 to 511)

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**Under the sanction of the law, punishment is retribution on the offender to the suffering in person or property which is inflicted by the offender. Punishment is the way through which an offender can be stopped from doing offences against person, property, and government. Therefore, punishments can be of various types like deterrent, rehabilitative, restorative and retributive.**

**Punishment has five recognized purposes:**

- 1. Deterrence,**
- 2. Incapacitation,**
- 3. Rehabilitation,**
- 4. Retribution, and**
- 5. Restitution.**

## **KEY TAKEAWAYS**

- Specific deterrence prevents crime by frightening an individual defendant with punishment. General deterrence prevents crime by frightening the public with the punishment of an individual defendant.**
- Incapacitation prevents crime by removing a defendant from society.**
- Rehabilitation prevents crime by altering a defendant's behavior.**
- Retribution prevents crime by giving victims or society a feeling of avengement.**
- Restitution prevents crime by punishing the defendant financially**

- **Specific and General Deterrence**
- **Deterrence prevents future crime by frightening the defendant or the public. The two types of deterrence are specific and general deterrence.**
- **Specific deterrence applies to an individual defendant. When the government punishes an individual defendant, he or she is theoretically less likely to commit another crime because of fear of another similar or worse punishment.**
- **General deterrence applies to the public at large. When the public learns of an individual defendant's punishment, the public is theoretically less likely to commit a crime because of fear of the punishment the defendant experienced.**
- **When the public learns, for example, that an individual defendant was severely punished by a sentence of life in prison or the death penalty, this knowledge can inspire a deep fear of criminal prosecution.**

## **Incapacitation**

**Incapacitation prevents future crime by removing the defendant from society. Examples of incapacitation are incarceration, house arrest, or execution pursuant to the death penalty.**

## **Rehabilitation**

**Rehabilitation prevents future crime by altering a defendant's behavior. Examples of rehabilitation include educational and vocational programs, treatment center placement, and counseling. The court can combine rehabilitation with incarceration or with probation or parole. In some states, for example, nonviolent drug offenders must participate in rehabilitation in combination with probation, rather than submitting to incarceration (Ariz. Rev. Stat., 2010). This lightens the load of jails and prisons while lowering recidivism, which means reoffending.**

## **Retribution**

**Retribution prevents future crime by removing the desire for *personal* avengement (in the form of assault, battery, and criminal homicide, for example) against the defendant. When victims or society discover that the defendant has been adequately punished for a crime, they achieve a certain satisfaction that our criminal procedure is working effectively, which enhances faith in law enforcement and our government.**

## **Restitution**

**Restitution prevents future crime by punishing the defendant *financially*. Restitution is when the court orders the criminal defendant to pay the victim for any harm and resembles a civil litigation damages award. Restitution can be for physical injuries, loss of property or money, and rarely, emotional distress. It can also be a *fine* that covers some of the costs of the criminal prosecution and punishment.**

## **53. Punishments UNDER the Penal Code 1860**

### **Section Details**

**The punishments to which offenders are liable under the provisions of this Code are,-**

**Firstly,- Death;**

**Secondly,- 15[ Imprisonment for life];**

**Thirdly,- [Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act 1949 (Act No. II of 1950)].**

**Fourthly,-Imprisonment, which is of two descriptions, namely:-**

**(1) Rigorous, that is, with hard labour;**

**(2) Simple;**

**Fifthly,- Forfeiture of property;**

**Sixthly,- Fine.**

**16[Explanation.- In the punishment of imprisonment for life, the imprisonment shall be rigorous.]**

### **Annotation(s)**

**15 The words "Imprisonment for life" were substituted, for the word "Transportation" by section 2 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985) 16 The explanation was added by section 2 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)**



DEATH PENALTIES UNDER  
THE PENAL CODE 1860



- 1. Waging or attempting to wage war, or abetting waging of war, against Bangladesh ( Sec-121)**
- 2. Abetment of mutiny, if mutiny is committed in consequence thereof (Sec- 132)**
- 3. Giving or fabricating false evidence with intent to procure conviction of capital offence; if innocent person be thereby convicted and executed (Sec- 194)**
- 4. for murder (Sec-302)**
- 5. Punishment for murder by life-convict (sec- 303), recently this section has been declared unconstitutional by the Apex court**
- 6. Abetment of suicide of child or insane person (Sec-305)**
- 7. Attempt to murder Attempts by life-convicts (Sec-307)**
- 8. Voluntarily causing grievous hurt in respect of both eyes, hand or face by means of corrosive substance, etc (Sec- 326A.)**
- 9. Kidnapping or abducting a person under the age of ten (Sec- 364A)**
- 10. Dacoity with murder (Sec-396)**

**Sec. 319. Hurt.** □ **Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.**

**Sec. 320. Grievous hurt.**

□ **The following kinds of hurt only are designated as "grievous".**

- 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.**

### **Sec. 321. Voluntarily causing hurt.**

**Whoever does any act with the intention of thereby causing hurt to any person or with the knowledge that he is likely thereby to cause hurt to any person and does thereby cause hurt to any person, is said "voluntarily to cause hurt".**

### **Sec. 322. Voluntarily causing grievous hurt.**

**Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt".**

**Explanation.-A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.**

**IllustrationA, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.**



**Sec. 323. Punishment for voluntarily causing hurt.**

Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand taka or with both.

**Sec. 324. Voluntarily causing hurt by dangerous weapons or means.**

Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting or any instrument which, used as a weapon of offence, is likely to cause death or by means of fire or any heated substance or by means of any poison of any corrosive substance or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.



**Sec. 325. Punishment for voluntarily causing grievous hurt.**

Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

**Sec. 326. Voluntarily causing grievous hurt by dangerous weapons or means.**

Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting or any instrument which, used as a weapon of offence, is likely to cause death or by means of fire or any heated substance or by means of any poison or any corrosive substance or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow or to receive into the blood or by means of any animal, shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

- **Sec. 326A. Voluntarily causing grievous hurt in respect of both eyes, hand or face by means of corrosive substance, etc.**

- Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt of the kind mentioned in—

- clause “secondly” of section 320 in respect of both the eyes either by gouging out the same or by means of any corrosive substance; or
- clause “sixthly” of section 320 by means of any corrosive substance, shall be punished with death, or imprisonment for life and shall also be liable to fine.

- **Sec. 327. Voluntarily causing hurt to extort property or to constrain to an illegal act.**

- Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer or from any person interested in the sufferer, any property or valuable security or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

- **Sec. 328. Causing hurt by means of poison, etc, with intent to commit an offence.**

Whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or un-wholesome drug or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term may which extend to ten years and shall also be liable to fine.

- **Sec. 329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.**

Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any property or valuable security or of constraining the sufferer or any person interested in such sufferer to do anything that is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment for life or imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

- **Sec. 330. Voluntarily causing hurt to extort confession, or to compel restoration of property.**

Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer or any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

- ***Illustrations***

- (a) A, a police-officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.
- (b) A, a police-officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.



- **Sec. 331. Voluntarily causing grievous hurt to extort confession, or to compel restoration of property.**

Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

- **Sec. 332. Voluntarily causing hurt to deter public servant from his duty.**

Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.

- **Sec. 333. Voluntarily causing grievous hurt to deter public servant from his duty.—**

- Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

- **Sec. 334. Voluntarily causing hurt on provocation.**

- Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation shall be punished with imprisonment of either description for a term which may extend to one month or with fine which may extend to five hundred taka or with both.

- **Sec. 335. Voluntarily causing grievous hurt on provocation.**

- Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation shall be punished with imprisonment of either description for a term which may extend to four years or with fine which may extend to two thousand taka or with both.

- **Explanation.** The last two sections are subject to the same provisos as Exception 1, section 300.

- **Sec. 336. Act endangering life or personal safety to others.**

- Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred and fifty taka or with both.

**Sec. 337. Causing hurt by act endangering life or personal safety of others.**

Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred taka or with both.

**Sec. 338. Causing grievous hurt by act endangering life or personal safety of others.**

Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extent to two years or with fine which may extend to five thousand taka or with both.

**Sec. 338A. Causing grievous hurt by rush driving or riding on a public way.**

Whoever causes grievous hurt to any person by driving any vehicle or riding on any public way so rashly or negligently as to endanger human life or the personal safety of others shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

# Lectures on 13.06.2020



We are going to discuss on

- **Wrongful Restraint and Wrongful Confinement**

**Criminal Force and Assault**

**Kidnapping and Abduction**

**Slavery and Forceful Labor**

**Rape and Unnatural Offences**

- **Wrongful Restraint and Wrongful Confinement**

- **Sec. 339. Wrongful restraint.**—Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

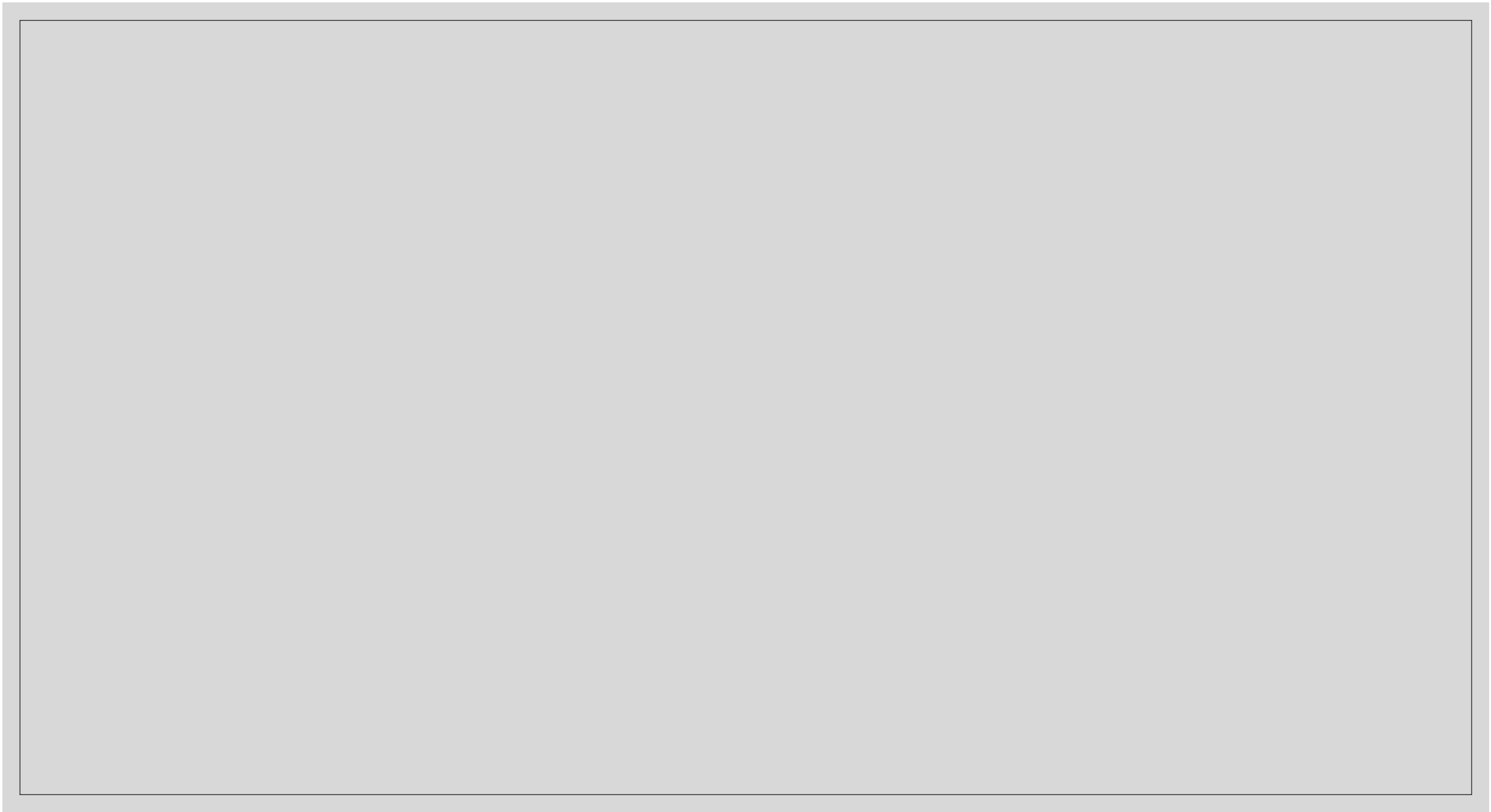
- **Exception.** The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

- **Illustration**

- A obstructs a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

- **Sec. 340. Wrongful confinement.**

- Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing





**Sec. 341. Punishment for wrongful restraint.**—Whoever wrongfully restrains any person, shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred taka or with both.

**Sec. 342. Punishment for wrongful confinement-** Whoever wrongfully confines any person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand taka or with both.

**Sec. 343. Wrongful confinement for three or more days.**— Whoever wrongfully confines any person for three days or more, shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

**Sec. 344. Wrongful confinement for ten or more days.**—Whoever wrongfully confines any person for ten days, or more, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

- **Sec. 345. Wrongful confinement of person for whose liberation writ has been issued.**

Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any term of imprisonment to which he may be liable under any other section of this Chapter.

- **Sec. 346. Wrongful confinement in secret.**

Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any other punishment to which he may be liable for such wrongful confinement.

**Sec. 347. Wrongful confinement to extort property or constrain to illegal act.**

Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security or of constraining the person confined or any person interested in such person to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

**Sec. 348. Wrongful confinement to extort confession or compel restoration of property.**

Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

## **Of Criminal Force and Assault**

**Sec. 349. Force.**—A person is said to use force to another if he causes motion, change of motion or cessation of motion to that other or if he causes to any substance such motion or change of motion or cessation of motion as brings that substance into contact with any part of that other's body or with anything which that other is wearing or carrying or with anything so situated that such contact affects that other's sense of feeling: Provided that the person causing the motion, or change of motion or cessation of motion, causes that motion, change of motion or cessation of motion in one of the three ways hereinafter described:

**Firstly.**—By his own bodily power.

**Secondly.**—By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part or on the part of any other person.

**Thirdly.**—By inducing any animal to move, to change its motion or to cease to move.

**Sec. 350. Criminal force.**—Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence or intending by the use of such force to cause or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

## **Sec. 351. Assault.**

Whoever makes any gesture, or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

- **Sec. 352. Punishment for assault or criminal force otherwise than on grave provocation.**

- Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to five hundred taka or with both.

- **Sec. 353. Assault or criminal force to deter public servant from discharge of his duty.**

- Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant or with intent to prevent or deter that person from discharging his duty as such public servant or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.

- **Sec. 354. Assault or criminal force to woman with intent to outrage her modesty.**

- Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

**Sec. 355. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation.**

Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

**Sec. 356. Assault or criminal force in attempt to commit theft of property carried by a person.**

Whoever assaults or uses criminal force to any person in attempting to commit theft on any property which that person is then wearing or carrying shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

**Sec. 357. Assault or criminal force in attempt wrongfully to confine a person.**

Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand taka or with both.

**Sec. 358. Assault or criminal force on grave provocation.—**

Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred taka or with both.

◦ **Sec. 359. Kidnapping.**—

◦ Kidnapping is of two kinds: kidnapping from Bangladesh, and kidnapping from lawful guardianship.

◦ **Sec. 360. Kidnapping from Bangladesh, etc.**—Whoever conveys any person beyond the limits of Bangladesh without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Bangladesh.



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**Sec. 361. Kidnapping from lawful guardianship.**—Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

**Explanation.**—The words "lawful guardian" in this section include any person lawfully entrusted with the care or custody of such minor or other person.

**Exception.**—This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

**Sec. 362. Abduction.**—Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

**Sec. 363. Punishment for kidnapping.**—Whoever kidnaps any person from Bangladesh or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**Sec. 364. Kidnapping or abducting in order to murder.**—Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with imprisonment for life or rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine.

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**Sec. 364A. Kidnapping or abducting a person under the age of ten.—**

Whoever kidnaps or abducts any person under the age of ten, in order that such person may be murdered or subjected to grievous hurt or slavery or to the lust of any person or may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt or slavery or to the lust of any person shall be punished with death or with imprisonment for life or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years.

**Sec. 365. Kidnapping or abducting with intent secretly and wrongfully to confine person.—**

Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

**Sec. 366. Kidnapping or abducting or inducing woman to compel her marriage, etc.—**

Whoever kidnaps or abducts any woman with intent that she may be compelled or knowing it to be likely that she will be compelled, to marry any person against her will or in order that she may be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

**Sec. 366A. Procuration of minor girl.—**

Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be

- **Sec. 366B. Importation of girl from foreign country.**— Whoever imports into Bangladesh from any country outside Bangladesh any girl under the age of twenty-one years with intent that she may be or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.
- **Sec. 367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.**—
- Whoever kidnaps or abducts any person in order that such person may be subjected or may be so disposed of as to be put in danger of being subjected to grievous hurt or slavery or to the unnatural lust of any person or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
- **Sec. 368. Wrongfully concealing or keeping in confinement, kidnapped or abducted person.**—
- Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge or for the same purpose as that for which he conceals or detains such person in confinement.
- **Sec. 369. Kidnapping or abducting child under ten years with intent to steal from its person.**—
- Whoever kidnaps or abducts any child under the age of ten years with the intention of taking dishonestly any moveable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

- **Sec. 370. Buying or disposing of any person as a slave.—**

Whoever imports, exports, removes, buys, sells or disposes of any person as a slave or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

- **Sec. 371. Habitual dealing in slaves.**

Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

- **Sec. 372. Selling minor for purposes of prostitution, etc.—**

Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution of illicit intercourse with any person or for any unlawful and immoral purpose or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine. Selling minor for purposes on prostitution, etc.

## **Sec. 374. Unlawful compulsory labour.**

(1) Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

(2) Whoever compels a prisoner of war or a protected person to serve in the armed forces of Bangladesh shall be punished with imprisonment of either description for a term which may extend to one year.

**Explanation.** In this section the expressions "prisoner of war" and "protected person" shall have the same meaning as have been assigned to them respectively by Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, and Article 4 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

## **Of Rape**

**Sec. 375. Rape.**—A man is said to commit "rape" who except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions:

**Firstly.** Against her will.

**Secondly.** Without her consent.

**Thirdly.** With her consent, when her consent has been obtained by putting her in fear of death, or of hurt.

**Fourthly.** With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

**Fifthly.** With or without her consent, when she is under fourteen years of age.

**Explanation.** Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

**Exception.** Sexual intercourse by a man with his own wife, the wife not being under thirteen years of age, is not rape.

## Sec. 376. Punishment for rape.□

Whoever commits rape shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, unless the woman raped is his own wife and is not under twelve years of age, in which case he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

## Of Unnatural Offences

### Sec. 377. Unnatural offences.

□Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.□Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

## Case Law

The unnatural offense are of two kinds-(1) Sodomy and (2) Bestiality.

Sodomy consists of penetration per anum with another person. Bestiality can be committed either by a male or female human being with an animal. This section punishes certain persons who have carnal intercourse against nature with human beings.

In the case of Kishan Lal vs. State, the accused took away a minor from his house, committed sodomy on him and threw him into a water reservoir to his death. The guilt of the accused was fully established through medical and eye-witness account. His conviction under the section was held to be proper.



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# PRESENTATION AND FLIP CLASSES

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# MID TERM EXAMINATION

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**FINAL EXAMINATION  
OF SUMMER 2020**

# CLASS TEST ONE EXAMINATION OF SUMMER 2020

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# CLASS TEST TWO EXAMINATION OF SUMMER 2020



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# ASSIGNMENT

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# PRESENTATION

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# CLASS TEST 3

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**CLASS TEST- SUP**

# PRESENTATION

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