



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)

Chapter	Sections Covered	Classification of Offences
Chapter I	Sections 1 to 5	Introduction
Chapter II	Sections 6 to 52	General Explanations
Chapter III	Sections 53 to 75	of Punishments
Chapter IV	Sections 76 to 106	General Exceptions of the Right of Private Defence (Sections 96 to 106)
Chapter V	Sections 107 to 120	Of Abetment
Chapter VA	Sections 120A to 120B	Criminal Conspiracy Added in 1913

Chapter VI	Sections 121 to 130	Of Offences against the State
Chapter VII	Sections 131 to 140	Of Offences relating to the Army, Navy and Air Force Navy and Air Force: Added in 1927
Chapter VIII	Sections 141 to 160	Of Offences against the Public Tranquillity
Chapter IX	Sections 161 to 171	Of Offences by or relating to Public Servants

Chapter X	Sections 172 to 190	Of Contempts of Lawful Authority of Public Servants
Chapter XI	Sections 191 to 229	Of False Evidence and Offences against Public Justice
Chapter XII	Sections 230 to 263	Of Offences relating to coin and Government Stamps
Chapter XIII	Sections 264 to 267	Of Offences relating to Weight and Measures
Chapter XIV	Sections 268 to 294	Of Offences affecting the Public Health, Safety, Convenience, Decency and Morals
Chapter XV	Sections 295 to 298	Of Offences relating to Religion

Chapter X	Sections 172 to 190	Of Contempts of Lawful Authority of Public Servants
Chapter XI	Sections 191 to 229	Of False Evidence and Offences against Public Justice
Chapter XII	Sections 230 to 263	Of Offences relating to coin and Government Stamps
Chapter XIII	Sections 264 to 267	Of Offences relating to Weight and Measures
Chapter XIV	Sections 268 to 294	Of Offences affecting the Public Health, Safety, Convenience, Decency and Morals
Chapter XV	Sections 295 to 298	Of Offences relating to Religion

Chapter XVI	Sections 299 to 377	Of Offences affecting the Human Body
		Of Offences Affecting Life including murder , culpable homicide (Sections 299 to 311)
		Of the Causing of Miscarriage, of Injuries to Unborn Children, of the Exposure of Infants, and of the Concealment of Births (Sections 312 to 318)
		Of Hurt (Sections 319 to 338)
		Of Wrongful Restraint and Wrongful Confinement (Sections 339 to 348)
		Of Criminal Force and Assault (Sections 349 to 358)
		Of Kidnapping , Abduction , Slavery and Forced Labour (Sections 359 to 374)
		Sexual Offences including rape (Sections 375 to 376)
		Of Unnatural Offences (Section 377)

Chapter XVII

Sections 378 to 462

Of Offences Against [Property](#)

Of [Theft](#) (Sections 378 to 382)

Of [Extortion](#) (Sections 383 to 389)

Of [Robbery](#) and Dacoity (Sections 390 to 402)

Of Criminal Misappropriation of Property (Sections 403 to 404)

Of Criminal [Breach of Trust](#) (Sections 405 to 409)

Of the Receiving of Stolen Property (Sections 410 to 414)

Of [Cheating](#) (Section 415 to 420)

Of Fraudulent Deeds and Disposition of Property (Sections 421 to 424)

Of Mischief (Sections 425 to 440)

Of Criminal [Trespass](#) (Sections 441 to 462)

Chapter XVIII	Sections 463 to 489	Of Offences relating to Documents and Property Marks Of Property and Other Marks (Sections 478 to 489) Of Currency Notes and Bank Notes (Sections 489A to 489E) Added in 1958
Chapter XIX	Sections 490 to 492	Of the Criminal Breach of Contracts of Service
Chapter XX	Sections 493 to 498	Of Offences Relating to Marriage
Chapter XXI	Sections 499 to 502	Of Defamation
Chapter XXII	Sections 503 to 510	Of Criminal intimidation , Insult and Annoyance
Chapter XXIII	Section 511	Of Attempts to Commit Offences

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.



TA TA FOR TODAY