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IMPORTANT SECTIONS IN IPC, Cr PC, AND IEA

Injuries Related

Section 44 of IPC: Definition of Injury

Any harm whatever illegally caused to any person in body, mind, reputation or property.

Section 319 IPC: Hurt

Hurt means bodily pain, disease or infirmity caused to any person.

Section 320 IPC Grievous Injury

Any of the following injuries are grievous.

1. Emasculation (Depriving a male of masculine vigour)
2. Permanent privation of sight of either eye.
3. Permanent privation of the hearing of either ear.
4. Privation of any member or joint (member means an organ or a limb being part of man capable of performing a distinct function).
5. Destruction or permanent impairing of powers of any member or joint.
6. Permanent disfiguration of the head or face.
7. Fracture or dislocation of a bone or tooth.
8. Any hurt which endangers life, or which causes the victim to be in severe bodily pain, or unable to follow his ordinary pursuits for a period of 20 days.

321 IPC: Defines “Voluntarily Causing Hurt”

322 IPC: Defines “Voluntarily Causing Grievous Hurt”

323 IPC: Describes Punishment for Voluntarily Causing Hurt. Shall be imprisonment which may extend for **one year** with or without fine which may be Rs 1000/-.

324 IPC: Describes Punishment for Voluntarily Causing Hurt by dangerous weapon shall be imprisonment for upto **3 years** with or without fine.

325 IPC: Describes Punishment for Voluntarily Causing Grievous Hurt. Shall be imprisonment which may extend for **7 year** with or without fine.

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326 IPC: Describes Punishment for Voluntarily Causing Grievous Hurt by dangerous weapon or means. Shall be imprisonment for life or for **10 years** with or without fine.

327 IPC Punishment for causing hurt to extort property shall be **10 years** with or without fine.

328 IPC Punishment of causing hurt by means of poison etc shall be imprisonment upto **10 years** with or without fine.

351 IPC: Defines Assault: Threat/attempt to apply force

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

353 IPC

Punishment for causing assault shall be imprisonment upto **2 years** with or without fine.

354 IPC: Punishment for causing assault to women with intend to outrage her modesty shall be imprisonment upto **2 years** with or without fine.

498A IPC: Punishment for husband or relative of husband of a women subjecting her to cruelty, shall be imprisonment for upto **3 years** with or without fine.

Forensic Psychiatry, Consent and Alcohol

82 IPC : Act of a child under 7 years of age Nothing is an offence which is done by a child under 7 years of age

83 IPC: Act of child b/w 7-12 yrs

Nothing is an offence which is done by a child above 7 years and under 12 years, who has not attained maturity of understanding to judge the nature and consequences of his conduct on that occasion.

84 IPC: Mc Naughten's Rule or legal test

Nothing is an offence which done by a person who at the time of doing it, is by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that what is doing is wrong or contrary to law of the land.

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Section 85 IPC : Act under intoxication

Nothing is an offence which is done by a person, who at the time of doing it, is by reason of intoxication, incapable of knowing the nature of the act or that he is doing what is either wrong or contrary to law; provided the thing which intoxicated him was administered to him without his knowledge or against his will.

Section 86 IPC

In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

Thus, drunkenness caused by voluntary use of alcohol or some other intoxicating drug is no excuse for the commission of a crime but insanity produced by drunkenness, voluntary or otherwise, absolves one from criminal responsibility if it can stand the usual legal tests applied in other forms of insanity.

87 IPC: Consent above 18 years to suffer harm

a person below 18 years of age cannot give a valid consent, whether express or implied to suffer any harm which may result from an act not intended or not known to cause death or grievous hurt.

88 IPC: Consent above 18 years

A person can give valid consent to suffer any harm which may result from an act, not intended or not known to cause death, done in good faith and for its benefit

89 IPC: Consent below 12 years

a child below 12 years of age and an insane person cannot give valid consent to suffer any harm which may result from an act done in good faith and for its benefit.

90 IPC: Consent under fear

A consent given by a person under fear of injury, or due to misunderstanding of a fact is not valid

Section 53 (i) CrPC

An accused may be examined by a medical practitioner at the request of a

police officer using reasonably necessary force.

Section 53 (ii) CrPC

Whenever the person of a female accused is to be examined, the examination shall be made only by or under the supervision of a female registered medical practitioner.

Section 54 CrPC

An arrested person may be examined at his request by a medical practitioner to detect evidence in his favour.

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Injury: Murder and Culpable Homicide

Section 299 IPC: Defines Culpable Homicide

Whoever causing death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Murder: Section 300 IPC

Culpable homicide is murder:

- If the act by which the death is caused is done with the intention of causing death or,
- If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause death or,
- If it is done with the intention of causing such bodily injury which is sufficient in the ordinary course of nature to cause death or,
- If the person committing the act knows that it is so imminently dangerous, that it must in all probability cause death or such bodily injury as is likely to cause death and commits such act without any excuse.

Culpable homicide is not murder:

- a) If the offender whilst deprived of the power of self control by grave and sudden provocation causes the death of the person who gave the provocation, or causes the death of other person by mistake or accident.
- b) If in good faith of the right of private defence of person Or property, the offender exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence, without premeditation and without any intention of doing more harm than what is necessary - for the purpose of such defence.
- c) If the offender, being a public servant or aiding a public servant acting for the

advancement of public justice, exceeds the powers given to him by law and causes death by doing an act which he, in good faith believes to be lawful and necessary for the due discharge of his duty and without any ill-will towards the person whose death is caused.

- d) If the act is committed without premeditation in a sudden fight in the heat of passion or a sudden quarrel, without the offender having taken any undue advantage or acting in a cruel or unusual manner. (It is immaterial which party offers the provocation or commits the first assault.)
- e) When the person whose death is caused, being above the age of 18 years, suffers death or takes the risk of death with his own consent.

301 IPC: Culpable homicide by causing death of a person other than whose death is intended.

Section 302 IPC: Punishment for murder

Whoever commits murder, shall be punished with death or transportation for life and shall also be liable to fine.

303 IPC: punishment for murder by a life convict.

Section 304 IPC: Punishment for culpable homicide not amounting to murder

Whoever commits culpable homicide not amounting to murder,

- 1) shall be punished with imprisonment for life or imprisonment of either description for a term which may extend to 10 years and shall also be liable to fine, if the act by which death is caused is done with the **intention** of causing death or of causing such bodily injury as is likely to cause death.
or
- 2) with imprisonment of either description which may extend to 10 years or with fine or both if the act by which death is caused is done with the **knowledge** that it is likely to cause death but without any intention to cause death or to cause such bodily injury as is likely cause death,

Section 304 A IPC: Causing death by negligence

Whoever, causes the death of a person by doing any rash or negligent act riot amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to 2 years, or with fine or with both,

304 B IPC: Dowry death

when death of a women occurs due to burn or other bodily injury or in circumstances other than normal, within **7 years** of marriage, and it is seen that she was subjected to cruelty or harassment by her husband or any relative of her husband for or in connection with the demand of dowry, such death shall be called dowry death and the husband or his relative shall be deemed to have caused her death.

305 IPC: Punishment of abetment of suicide of a child under 18 years of age or an insane shall be upto 10 years with or without fine.

Section 306 IPC: Punishment for abetment of suicide

Imprisonment of either description for a term which may extend to **10** years and fine.

Section 307 IPC: Punishment for attempt to murder

Imprisonment of either description for a term upto **10 years** and fine.

Section 309 IPC : Attempt to commit suicide

Punished with imprisonment for **1 year** or with fine or with both.

Simple Injuries: All injuries which are not grievous are simple.

Dangerous Injuries: Dangerous injuries are those which cause imminent danger to life, either by involvement of important organs or structures, or extensive area of the body. If no surgical aid is available, such injuries may prove fatal.

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SEXUAL OFFENCES AND CRIMINAL ABORTION

It is the induced destruction and expulsion of the foetus from the mother's womb unlawfully. In other words, it is abortion not in accordance with the provisions of the MfP Act, 1971. It is generally induced between the second and third months of pregnancy and occasionally between the fourth and fifth months.

Legal bearing

Sections 312, 313, 314, 315 and 316 IPC refer to the offence of criminal miscarriage and punishment awarded for these offences.

Section 312 IPC : Causing miscarriage

Whoever voluntarily causes a woman with child to miscarry, shall if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to **3 years**, or with fine, or with both; and if the woman be quick with the child, shall be punished with imprisonment of either description for a term which may extend to **7 years** and shall also be liable to fine.

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Section 313 IPC: Causing miscarriage without woman's consent

Whoever voluntarily causes a woman with child to miscarry without the consent of the woman, whether the woman is quick with the child or not, shall be punished with transportation for life or with imprisonment of either description for a term which may extend to **10 years** and shall also be liable to fine.

Section 314 IPC: Death caused by an act done with intent to cause miscarriage

Whoever with intent to cause miscarriage of a woman with child, does any act which causes the death of the woman, shall be punished with imprisonment of either description for a term which may extend to **10 years** and shall also be liable to fine; and if the act is done without the consent of the woman, shall be punished with either transportation for life or with the above mentioned punishment. Explanation: It is not necessary for the offender to know that the act is likely to cause death.

Section 315 IPC: Act done with intent to prevent child being born alive or to cause it to die after birth

Whoever before the birth of any child, does any act with the intention of preventing that child from being born alive or causing it to die after its birth and does by such an act prevent that child from being born alive or causes it to die after its birth shall be punished with imprisonment of either description for a term . Which may extend to 10 years or with fine or with both, provided the act is not done in good faith for the purpose of saving the life of the mother.

Section 316 IPC : Causing death of quick unborn child by act amounting to culpable homicide

A person would be guilty of culpable homicide if he caused the death of a pregnant woman by an act which he knew was likely to cause her death. If his act injured the woman and did not cause her death, but caused the death of her unborn quick child, he would be guilty of the offence defined under this section and shall be punished with imprisonment for a term which may extend to **10 years** and shall also be liable to fine.

Section 375 IPC: Definition of Rape

Unlawful sexual intercourse by a man,

- with his own wife under the age of 15 years or,
- with any other woman under the age of 16 years, with or without her consent or,
- with any other woman above the age of 16 years, against her will,

without her consent or,

- with her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or hurt or,
- 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 or,

- with her consent, when at the time of giving such consent, by reason of unsoundness of mind, or intoxication, or the administration of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Section 376 IPC: Punishment for Rape

Whoever commits rape, shall be punished with imprisonment of either description for a term which shall not be less than **7 years** but which may be for life, or for a term which may extend to **10 years** and shall also be liable to fine.

Custodial rape

Rape by police officer or public servant who abuses his position of authority is punishable by imprisonment for at least 10 years to life and fine.

Section 376A IPC: Marital rape

Whoever has sexual intercourse with his own wife, who is living separately from him under a degree of separation or under any custom or usage without her consent, shall be punished with imprisonment of either description for a term which may extend to **2 years** and shall also be liable to fine.

Section 376 B IPC

Sexual intercourse not amounting to rape by a public servant who induces or seduces a woman in his custody to have. sexual intercourse with him shall be punishable with imprisonment of up to **5 years** and fine.

Section 376 C IPC

Sexual intercourse not amounting to rape by a superintendent of jail, remand home or other places of custody who induces or seduces any female inmate to have sexual intercourse with him shall be punishable with imprisonment of up to **5 years** and fine.

Section 376 D IPC

Sexual intercourse not amounting to rape by a member of the management or staff of a hospital who taking advantage of his position induces or seduces any woman in the hospital to have sexual intercourse with him shall be punishable with imprisonment of up to **5 years** and fine.

Section 114A IEA

In a prosecution for rap_, where the question is whether sexual intercourse was without the consent of the woman, and she states in her evidence that she did not consent, the court shall presume that she did not consent.

Section 228A IPC

Disclosure of identity of the victim against whom an offence under sections 376, 376A-D IPC is alleged to have been committed, is not permitted except by due authorization. Any person who prints or publishes without authorization by a proper authority the name or any material which will result in identifying the victim of rape shall be punished with imprisonment of upto **2 years** and fine.

Section 354 IPC: Indecent assault

Indecent assault on a female committed with intent or knowledge to outrage her modesty is punishable with imprisonment of either description for a term which may extend to **2 years** or fine or with both.

Section 377 IPC: Unnatural offences

Whoever, voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with transportation for life or with imprisonment of either description for a term which may extend to **10 years** and shall also be liable to fine.

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Poisoning

Sec. 272 I.P.C. - Punishment for adulterating food or drink intended for sale, so as to make the same noxious, may extend upto **6 months** imprisonment of either term and/or fine upto one thousand rupees.

Sec. 273 I.P.C. - Punishment for selling noxious food or drink may be imprisonment of either description for a period of **6 months** and or fine upto one thousand rupees.

Sec. 274 I.P.C. - Punishment for adulteration of drugs in any form with any change in its effect knowing that it Will be sold and used as un-adulterated drug, may be imprisonment of either description for a period-of **6 months** and or fine.

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Sec. 275 I.P.C. - Punishment for knowingly selling adulterated drugs with less efficacy or altered action serving it for use as unadulterated may be imprisonment of either description for **6 months** and or fine.

Sec. 276 I.P.C. - Punishment for **selling a drug as a different** drug or Preparation may be imprisonment of either description which may extend upto 6 months and or fine. .

Note - In the State of West Bengal, the punishment for these offences described under sections 272 to 276 may be upto **imprisonment for life** with or without fine.

Sec. 277 I.P.C. – Punishment for **fouling water** of public spring or reservoir may be imprisonment of either description which may extend up to a period of **3 months** and or fine.

Sec. 278 I.P.C. - Punishment for voluntarily making atmosphere noxious to health is fine which may extend upto five hundred rupees.

Sec. 284 I.P.C. Punishment for negligent conduct with respect to poisonous substance may be imprisonment of either description which may extend upto **6 months** and or fine which may extend upto one thousand rupees.

Sec. 328 I.P.C. :Punishment' for causing hurt by means of poison or any stupefying, intoxicating or unwholesome drug or any other thing with the intent to commit an offence shall be imprisonment of either description for a term which may extend to ten years with or without fine.

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