ANIL AGGRAWAL'S
Internet Journal of Forensic Medicine and Toxicology
The world's first online journal devoted entirely to forensic medicine and toxicology · Published 1 January and 1 July

VOL. 14, NO. 1 · JANUARY – JUNE 2013
Downloaded from www.anilaggrawal.com · ISSN 0972-8074 (Online) · https://www.anilaggrawal.com/ij/vol_014_no_001/papers/paper002.html

Section 320 IPC – An Appraisal

Dasari Harish, K. H. Chavali, Amandeep Singh, Ajay Kumar

Professor & Head, Department of Forensic Medicine & Toxicology, Government Medical College & Hospital, Sector 32, Chandigarh – 160030, India
Associate Professor, Department of Forensic Medicine & Toxicology, Government Medical College & Hospital, Sector 32, Chandigarh – 160030, India
Assistant Professor, Department of Forensic Medicine & Toxicology, Government Medical College & Hospital, Sector 32, Chandigarh – 160030, India
Contact: Dasari Harish · dasariharish@gmail.com

CITE THIS ARTICLE

Harish D, Chavali KH, Singh A, Kumar A. Section 320 IPC – An Appraisal. *Anil Aggrawal's Internet Journal of Forensic Medicine and Toxicology* [serial online], 2013; Vol. 14, No. 1 (January – June 2013): [about 6 p]. Available from: https://www.anilaggrawal.com/ij/vol_014_no_001/papers/paper002.html

ABSTRACT

S. 320 defines grievous hurt and lists eight kinds of hurt which it lables as "grievous". These clauses are not mutually exclusive, for there can be injuries which may fall in more than one clause. However, the list is exhaustive in the sense that, the framers of the Code have used the term "only", while listing the type of hurts which they designated as "grievous".

To make out the offence of voluntarily causing grievous hurt, there must be a specific hurt, voluntarily inflicted, and coming within any of the eight kinds enumerated in this section. A simple hurt cannot be designated as grievous simply because it was on a vital part of the body, unless the dimensions or the nature of the injury or its effects are such that it actually endangers life.

In the backdrop of the verdicts by the Hon'ble courts wherein it was held that the extent of the hurt and the intention of offender should be considered to determine whether a given hurt is grievous, an attempt is made in this article to review the Section with a view to put forward certain fallacies. These, need to be addressed to, in tune with the changing times and in accordance with the modern trends of treatment and scientific evidence, so that ambiguities may be removed and the Section made flawless.

Keywords: Section 320 IPC, Hurt, Grievous Hurt, Fallacies

Introduction

Section 320 of the Indian Penal Code is derived from the French Penal Code (Article 309), unlike most of the IPC, which has been derived from the English Law (Offences against the person Act of 1861).[1,2] The authors of the Code observed "We have found it very difficult to draw a line between those bodily hurts which are serious and those which are slight. To draw such a line with perfect accuracy is, indeed absolutely impossible; but it is far better that such a line should be drawn, though rudely, than that offences some of which approach in enormity to murder, while others are little more than frolics which a good-natured man would hardly resent, would be classed together".[3]

Grievous Hurt

S 320 IPC defines grievous hurt and lists eight kinds of hurt which it lables as "grievous". These clauses are not mutually exclusive for there can be injuries which may fall in more than one clause. However, the list is exhaustive in the sense that, the framers of the Code have used the term "only", while listing the type of hurts which they designated as "grievous". This positively shows that the list is exhaustive and no hurt outside the list given in S. 320 can be termed as 'grievous hurt'.[4]

The following kinds of hurt only are designated as "grievous"[5]

First: 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.

Explanation

To make out the offence of causing grievous hurt, there must be a specific hurt, coming within any of the eight kinds enumerated in this section. A simple hurt cannot be designated as grievous simply because it was on a vital part of the body, unless the dimensions or the nature of the injury or its effects are such that (in the opinion of the doctor) it actually endangers life.[6] Where injury was caused on the abdomen with a sharp edged weapon and the doctor had stated that the injury had penetrated the abdominal cavity but had not involved any vital organs/ important structures, but had just touched the stomach, it was held that the accused had caused only simple hurt.[7] Similarly, cutting of a tendon or a muscle does not make the injury fall under purview of any clauses of S 320 IPC.[8]

For the courts to determine whether the hurt caused is grievous, the extent of the hurt and the intention of the offender have to be taken in to account. Further, it has to be proved that the offender intended to cause or had the knowledge that his act was likely to cause grievous hurt.[9] Intention to cause grievous hurt is inferable from the circumstances of the case and the nature of

the injury caused.[10] The medical person, however, must confine himself to only opining whether a given hurt is grievous or otherwise, as per the 8 Clauses of S 320 IPC, and leave the "intention/ knowledge" part to the courts to decide.

"Grievous bodily harm, which is defined in the book, is not necessarily either permanent or dangerous, but harm that seriously interferes with health or comfort. That is sufficient".[11] An injury is not grievous *per se* unless the nature, extent and effects of the said injury are such as to endanger the life of the victim, as per the opinion of the doctor[12], formed in good faith.

Relevance of the opinion of the doctor

Neither the IPC, nor the CrPC, nor the IEA insists that there should be the opinion of a medical officer as a condition precedent to convicting a person for an offence U/S 324 IPC, which stresses more on the nature of the weapon than on the form or gravity of the injury. The evidence of the medical officer is not indispensible for conviction.[13] The court is not absolved of the responsibility to form its own conclusion regarding the nature of the injury, expert's opinion notwithstanding. However, in a case where 4 persons were being tried for an offence U/S 307/34 IPC and the wound certificate mentioned the name of only one of them, it was held that the co-accused, whose names were not mentioned, were entitled to be acquitted on benefit of doubt.[14]

Where the doctor has not said that any of the injuries was sufficient to cause death in the ordinary course of nature, court can look in to the nature of the injuries found on the body of the deceased and come to any conclusion. Intention of the accused can also be inferred. The cumulative effect of the injuries can also be looked in to.[15]

First – Emasculation

This clause is restricted only to the males, they being the victims of the said offence. Emasculation means "depriving a man of his masculine vigour"[16,17] or the "unsexing of a male" or "depriving him of his virility".[1,18] This Section is meant usually to counteract the common practice of squeezing a person's testicles on slightest provocation.[12]

What exactly is "emasculation", is not clear from the present literature. Is it "depriving a man of his masculine vigour" or, is it "depriving him of his virility"? This is important to know because the power of procreation is an essential ingredient of the Virility of a male, but not of the Masculine Vigour.[19] There are no case laws to explain this difference.

If masculine vigour and virility are to be taken as synonymous to each other, then the power to procreate, by default, becomes an inherent ingredient of both. This would then mean that a normal person capable of sexual intercourse would suffer 'emasculation' if, by some accident/ intentional act, he becomes sterile (forced vasectomy, "nasbandi"), while completely retaining his potency. If, however, masculine vigour and virility are to be taken as two different words, meaning two different entities, then the situation becomes completely different.

Again, removal of testes (castration) before puberty and during adulthood has different effects on the individual. If done before puberty, the said person will suffer permanent sterility and impotency. The penis will be small in size and incapable of erection, penetration and ejaculation, the main ingredients of sexual intercourse. There will also be no libido. However, if the said person was castrated in his adulthood, the secondary sexual characters are not affected; there will be no alteration of voice, size of penis, etc. But sexual desire and erection may be affected to an extent.

However, there are many cases on record where sexual activity was almost unaffected, with successful coitus being frequently carried for up to 25 years post castration.[20,21]

Which of these is 'emasculation'? Or, are all of the above covered under Cl. 1, S 320 IPC?

What is required by law is that the impotency caused must be permanent and not merely temporary and curable. An injury to the scrotum and the underlying testicles may not only lead to emasculation but even death. It is a form of assault which is extremely liable to prove fatal. In that case, the accused would be guilty of not only grievous hurt but of culpable homicide.[22]

Interestingly, there is no female counterpart to emasculation. A woman is considered to be a passive agent in sexual intercourse, as per law, and hence, the question of potency/ impotency of a woman does not arise.

Secondly – Permanent privation of the sight of either eye

The injury must be such that the person is permanently deprived of the use of one or both of his eyes. The test of gravity is the permanency of injury.

Examples given: gouging out an eye or poking it with a stick.

This makes the injury grievous because

1. It causes permanent privation of sight of the affected eye – Cl.2
2. It leads to permanent privation of any member or joint – Cl. 4
3. It leads to destruction (or permanent impairment) of the powers of any member – Cl. 5 and
4. It leads to permanent disfigurement of the head or face – Cl.6

Other examples of privation of vision could be corneal abrasions within the central visual axis, retinal/ choroidal tears and optic disc lacerations.[23] Though only permanency is mentioned, it is presumed that the loss may be partial and need not be complete to constitute the injury under this section.[2]

Similar views are expressed for the privation of hearing. ***(Thirdly)***

Fourthly – Permanent privation of any member or joint

The term "member" used in this section means an organ or a limb, being part of a man capable of performing a distinct function or any part of the body which has a separate morphological and functional identity.[12,24] As such, it includes the eyes, ears, nose, mouth, hands, feet and, in fact, all distinct parts of the human body designed to perform a distinct function.

In the ancient law, the punishment sanctioned for this crime was *membrum pro membro* – an eye for an eye and a tooth for a tooth.

A "joint" is a place where two or more bones or muscles join. The permanent privation of a joint implies that the injury to it makes a joint permanently useless, so that it is unable to perform the normal function assigned to it in the normal human physiology.

The Code is silent about the punishment to be awarded depending upon the nature of the "member or joint" lost. The loss of a hand or a limb is the loss of a "member or a joint". Similarly, the loss of a little finger is also the loss of a "member or a joint". The Code has left it to the discretion of the Presiding Officer of a court to interpret the same and award the punishment. There are no case

laws, at present, to bring out the difference in gravity of the loss or the quantum of punishment to be awarded.

In this era of implants, do we consider an 'implant' as a 'member or a joint'?

If a person has had a bilateral knee replacement or a hip joint replacement or an intra-ocular implant or nailing/ plating of a fractured bone done and if the injury suffered by him causes the fracture of the said implant/ prosthesis or if It leads to loosening or displacement of the nailing/ plating of previously fractured bone fragments, is the said injury grievous?

The prostheses used are all artificial. However, they are now integral parts of the body of the person in whom they were implanted and they perform specific functions assigned to them. Will they qualify as 'member or joints'? If that is the case, what about the breaking of a 'Jaipur limb'? It is fixed externally, removed whenever the person feels so and is re-attached when needed, just like we use spectacles or hearing aids. Again, there are no case laws at present to lay precedence for such instances. However, according to the Australian Victorian Work Cover Authority's 'The Nature of Injury / Disease Classification System for Victoria', damage to artificial aids like broken dentures, damaged artificial limbs, damaged prosthesis, etc. are included in classification of injuries that qualify for workers' compensation claim.[25]

Sixthly – Permanent disfiguration of head or face

'Disfiguration' means a change of configuration and personal appearance of the individual by some external injury which does not weaken him/ her, e.g. cutting of nostrils or ears, gauzing of the eyes, deep scars on the face, etc.[26]

However, the gravity of the disfigurement or the grievousness of the injury may not be the same in all persons. An irregular, permanent, small scar on the face of an unmarried young woman or an actor/ actress may be considered more grave an injury because of the spoiling of chances of marriage/ livelihood) than the same scar on the face of an old man/ woman of an economically weaker section of the society (because of creases/ scars of aging, etc.).[27] Can such discrimination be made?

Seventhly – Fracture or dislocation of a bone or tooth

The fracture or dislocation of a bone does not cause permanent disability. It will rejoin or be set without leaving any trace of the injury. However, the injury has been graded as grievous because of the intense suffering it gives rise to or the severe (temporary) disability it causes to the sufferer.

A fracture is not defined in the IPC.

"If there is a break by cutting or splintering of the bone or there is a rupture or fissure in it, it would amount to a fracture within the meaning of Cl. (7) of S. 320. What the court has to see is whether the cuts in the bones noticed in the injury report are superficial or do they effect a break in them".[28]

A scratch or a cut which does not go across the bone cannot be said to be a fracture within the meaning of S. 320; "the principle is that when the evidence is merely that a bone had been cut and there was nothing whatever to indicate the extent of the cut, whether deep or a mere scratch on the surface, it is impossible to infer from the evidence alone that grievous hurt had been caused"[24] If a cut resulted only in a scratch and did not go deep to any length in to the bone, it cannot be deemed

to be a fracture; otherwise, it should be deemed to be a fracture, i.e., a mere scratch on a bone cannot amount to grievous hurt.[29]

The settled law is that in order to constitute fracture of bone within the meaning of Cl. 7 of S. 320, it is not necessary that a bone should be cut through and through or that the crack must extend from the outer to the inner surface or that there should be displacement of any fragment of the bone.[30]

Even with so many case laws and explanations, it is not clear what type of fracture is grievous, as per law? If a blow by a lathi on the head results in a linear fracture of the skull that does not cut across the outer table completely, is it grievous/ not? What about such a fracture involving any long bone? A partial cut of the skull vault has been held to cause disfigurement of head (Cl. 6) and hence, fall within the purview of S.320 IPC[31]

In case of 'fracture or dislocation of a tooth', the responsibility of the examining doctor is much more, while coming to a conclusion as regards the gravity of the injury and the 'grievousness' of the offence. The total oral hygiene, including the condition of the gums, the looseness of the tooth, any disease conditions, bleeding gums, etc, have to be taken in to account before forming the opinion. Before giving opinion, it has to be proved that the said tooth was not originally loose and that the injury caused the fracture/ dislocation in question.[12] As in all cases, the opinion formed should be based on scientific facts and an unbiased one.

Eighthly – 'endangers life'

The IPC distinguishes three kinds of injuries, based on the gravity of the danger posed to the life of the victim:

1. Any hurt which endangers life – Eigthly, S. 320
2. Bodily injury as is likely to cause death – S.290/ *2ndly*. S 300.
3. Bodily injury sufficient in the ordinary course of nature to cause death – *3rdly* S. 300

Hence distinction between these three types of injuries must be made.

"Any bodily injury which is likely to cause death would certainly be one which would endanger life. The injury, the possible result of which may be death, would be an injury which endangers life. But an injury cannot be said to be likely to cause death merely because death is possible".[32]

There are therefore three categories of injuries: [33]

1. An injury, the result of which may possibly be death,
2. An injury as a result of which, death is not merely possible, but is likely; and
3. An injury as a result of which death is highly probable.

These three correspond to

1. Any injury which endangers life
2. Bodily injury as is likely to cause death
3. Bodily injury sufficient in the ordinary course of nature to cause death

'Endangering life' is a much stronger expression than 'dangerous to life'.[34] An injury, however dangerous to life, it may be, might not put life in a given case, in danger. The question is one of degree of gravity.[35]

However, in another case,[36] it was decreed that an injury which can put life in immediate danger of death would be an injury which can be termed as "dangerous to life", and therefore, when a doctor describes an injury as "dangerous to life", he means an injury which "endangers life" in terms of Cl. 8 of S. 320, IPC. Wherever a doctor describes an injury as "dangerous to life" and the nature of the injuries is such which could merit such a conclusion, then such an injury has to be treated as "grievous hurt" as per Cl. 8 of S. 320, IPC. In Madan Lal v. State of HP,[37] the Hon'ble Court held that danger to life from an injury should be imminent to constitute it as a "dangerous" one.

Having said this, there is no provision in the IPC which envisages or refers to an injury described as 'dangerous to life'. The doctor examining an injured person has to opine that the injury in question is one or the other of the type recognized in the IPC for the purposes of a given offence. When a doctor describes an injury as "dangerous to life", one has to see what the doctor intended to convey thereby. Is one to hold that since the injury has not been described by the doctor as one which "endangered life", so the concerned injury cannot be held to be grievous on the ground that the injury described as "dangerous to life" is not as serious an injury which "endangers life".[36]

It is true that injuries inflicted on vital parts of the body, such as the head, chest, or the abdomen, tend to endanger life, and are therefore dangerous, but they will not fall under this clause unless they are of such serious nature as to make the victim waver between life and death. The line between culpable homicide not amounting to murder and grievous hurt is a very thin and subtle one. In one case, the injuries are such as likely to cause death, in the other, they must be such as endangering life.[38]

Injuries inflicted on the head are always regarded as dangerous to life. It has also been held that neck being a vital part of the body, injury inflicted on the neck by a sharp edged weapon is dangerous to life.[39] The question whether a given injury is dangerous to life is relevant, but what is more relevant is how far it had placed the victim in danger of his life.

Severe bodily pain/ unable to follow ordinary pursuits for 20 days

The mere fact that the injured was confined to the hospital for more than 20 day**s** would not be enough to conclude that he was unable to follow his ordinary pursuits during the period.[40] Complainant may remain in the hospital for more than 20 days but if there is no evidence that he was in severe physical pain, the offence is simple hurt.[41] It must also be proved that during his confinement in the hospital, he was unable to follow his ordinary pursuits.[42] A disability for 20 days constitutes grievous hurt, if it is less than that period, then the offence is hurt.[43] However, in another case, it was held that "unless special circumstances are alleged, the fact that the victim was admitted in a government hospital will itself prove that she was unable to follow her ordinary pursuits".[44] But again, "mere remaining in the hospital for 20 days or more cannot be itself equated with the patient remaining unable to follow his ordinary pursuits".[34] Similarly, it was again held that merely because an injured remained in hospital for 20 or more days does not permit the court to presume that Clause Eighthly to S 320 IPC is attracted without any evidence to that effect.[45]

In contrast to this, in a recent case, where a doctor had noted two injuries, one on the left side of the chest (depth not probed) and one on the left shoulder (bone deep), but had not stated either injury to be "dangerous to life" though he had noted that at the time of admission, the general

condition of the patient was bad and that pulse was not recordable, the Hon'ble Supreme Court declared the injuries to be grievous as the patient had to remain in the hospital for 15 days.[46]

Where the injured was treated in a hospital, the opinion of the medical officer attending to him is relevant on the point of his disability, but by no means conclusive.[47] In judging of the probability, it must be remembered that the medical witness is no more qualified than any other witness of ordinary experience and knowledge of human nature. It is not correct to say that the fact that an injured person was in severe bodily pain for a period of 20 days or that he was unable to follow his ordinary pursuits for the said period can only be established by medical evidence and by no other evidence. The medical evidence may be more reliable but not legally necessary.[48]

What is "ordinary pursuits" is not defined. Will ordinary pursuits of an artist, a doctor, an engineer, a vagabond, etc. differ?

How much pain is severe? Is it not a subjective thing? Severe pain for one person may be bearable pain for the other. In this case, how will intention of the accused and also that of the victim be judged?

Conclusion

Section 320 of the Indian penal Code defines grievous hurt and gives an exhaustive list of all injuries which fall in this category. The interpretations by the learned courts have always been dynamic, in tune with the times. Where the findings by the doctors and the laboratories are unambiguous, the courts do not hesitate in pronouncing judgments based on these scientific facts. However, in those cases, where the reports are inconclusive, the Hon'ble Courts form their own opinions based on the facts of the case, taking in to consideration all the aspects of the case, as well as the newer concepts and treatment techniques.

It would be better for the doctors to stick to the scientific facts of the case while opining about the nature of the said injuries and leave it to the Hon'ble Courts to form their opinion based on a holistic view of the case. Finally, it should always be borne in mind that the doctor's opinion as to the nature of the injury, whether simple or grievous, is to guide the investigative agencies only and the final decision rests with the Hon'ble Courts.

References

1. Srivastava AB. In Dr Sri Hari singh gaur's penal law of India. Editor. 11th ed. Vol 3. Law Publishers (India) Pvt. Ltd. Allahabad. 1999:3205
2. Nandy A. Principles of forensic medicine including toxicology. 3rd ed. New Central Book Agency (P) Ltd. 2010: 336
3. Note M. p 151. As quoted by Justice Chandarchud YV, Manohar VR, Singh A. Editors. Ratanlal & Dhirajlal's The Indian Penal Code. 30th ed. Wadhwa & Company. 2004:600
4. *Joseph v. State of Kerala,* (1955) Mad LJ (Cr) 1: 1985 Ker LJ 859 : 1985 Mad LW (Cr) 31 (Mad)
5. The Indian Penal Code: Act XLV of 1860
6. *Ramla v. State of Rajasthan*, 1963 CrLJ 387 (388)
7. *Jagdish Chand v State of HP*, 1992 CrLJ 3076 (HP)
8. *State of Punjab Vs Kaka Singh* (SC), 2008(1) All India Criminal LR (Pb & Hry) (DB) B 138
9. *Joseph Cheriyan v. State of T.C.*, AIR 1953 Trav. Co. 129 : 1953 CrLJ 706 : 1952 Ker LT 656

10. *Nga Ba Gyaw v. Emperor*, 13 CrLJ 471 : 15 IC 311
11. *Director of Public Prosecution v. Smith*, (1960) 3 All E. R. 161 : (1961) A. C. 290
12. Karmakar RN. In JB Mukherjee's forensic medicine and toxicology. Editor. 3rd ed. Academic Publishers Kolkata. 2007:321
13. *State of Kerala v. Hari Dasan*, 1978 Ker LT 70
14. *Narayan Swamy Vs State*, 2010(4) All India Cr LR (Kar) B 310: 2010(3) Kar LJ 647]
15. *Brij Bhukum v. State of Uttar Pradesh* AIR 1957 SC 474 : 1957 Cr LJ 591
16. Awasthi Sk. Bagga R. In KJ Aiyar's judicial dictionary. Editors 11th ed. The Law Book Company (pvt) Ltd. Allahabad 1995:437
17. Chandarchud YV, Manohar VR, Singh A. Editors. Ratanlal & Dhirajlal's the Indian Penal Code. 30th ed. Wadhwa & Company. 2004:600
18. Vij K. Text book of forensic medicine and toxicology: principles and practice. 4th ed. Elsevier. 2008:272
19. Oxford Reference English Dictionary. Indian Edition. Oxford University Press. New Delhi. 2008
20. Keele CA, Neil E, Joels N. In Samson wright's applied physiology. Editors. 13th ed. Oxford University Press. New Delhi. 1986:579
21. Jain AK. Text book of physiology. 4th ed. Vol.2. Avichal Publishing Company. Kala Amb. HP. 2009 (Reprint 2011):818
22. *Kalyani v. Emperor*, I.L.R 19 Mad. 356
23. Biswas G. Review of forensic medicine and toxicology. 1st ed. Jaypee Brothers Medical Publihers (P) Ltd. 2010 pp 209-220
24. Rao NG. Textbook of forensic medicine and toxicology. 2nd ed. Jaypee Brothers Medical Publihers (P) Ltd. 2010 pp 329-337
25. Victorian Work Cover Authority. The Nature of Injury / Disease Classification System for Victoria. Version 1.1 Australia. November 2003.
26. Justice Chandarchud YV, Manohar VR, Singh A. Editors. Ratanlal & Dhirajlal's The Indian Penal Code. 30th ed. Wadhwa & Company. 2004:600
27. *Hori Lal v. State of U. P*., AIR 1970 SC 1969 at p. 1971 : Subash Chandra Panda v. State 1994 Cr LJ 1429 at p. 1431 (Orissa)
28. *Kalya v. State*, AIR 1955 Raj. 366
29. *In re Mokkasamy*, AIR 1965 Mad. 10
30. *Narinder Singh v. Sukhbir Singh*, 1992 Cr LJ 2616 at p. 2619 (P&H)
31. *Gangaram*, 1984 Cr LJ 180 (Raj)
32. *Government of Bombay v. Abdul Wahab* AIR 1946 Bom 38 : 47 Bom LR 998 : Cr LJ 378 (FB)
33. Jhala RM, Kumar K. Eds. Dr RM Jhala and VB Raju's medical jurisprudence (illustrated). Eastern Book Company Lucknow. 6th ed. 1997 pp 327-338.
34. *Niranjan Singh Vs State of Madhya Pradesh* (SC), 2007(3) RCR (Criminal) 373
35. *AG Bhagat (Dr) v. UT Chandigarh*, (1988) 3 Crimes 430 (440) (P&H)
36. *Atma Singh v. State of Punjab*, 1980 Cr LJ 1226 at P. 1228, 1229 (P&H)
37. *Madan Lal v. State of HP* (1989) 2 crimes 373 (HP)
38. *Government of Bombay v. Abdul Wahab* AIR 1946 Bom 38 : 47 Bom LR 998 : Cr LJ 378 (FB)
39. *Mohammad Rafi v. Emperor*. AIR 1930 Lah 305 at p. 306 : 31 Cr LJ 77 : 120 IC 431 : *State of Karnataka v. Siddegowda*, 1955 SCC (Cr) 931 AT P. 932

40. *State v. Samaj*, AIR 1969 Guj 337 : 1969 Cr LJ 1498 10 Guj LR 1000; *Jaina Pradhan v. State*, 1982 Cr LJ (NOC) 217 (Ori)
41. *Tunu v. State of Orissa*, (1987) I Crimes 695 (Ori) : 1988 Cr LJ 524 (Ori)
42. *Vasta Chela*, (1894) 19 Bom 247
43. *Bishnooram Surma*, (1864) 1 WR (Cr) 9
44. *Punnu @ Ponibas v. Savarimuthu Nadar*, (1989) 1 Crimes 414 (Mad)
45. *KV Hussain Vs State*, 2007(2), All India Cr LR (Cal) B 496: 2007(1) CHN 597: c Cr LR (Cal) 464
46. *Neelam Balial & Anr v. State of Uttarakhand* AIR 2010 SC 428
47. *Mathu Paily v. State of Kerala*, 1961 Ker LT 362 at p. 364 : (1962) 1 Cr LJ 652 : (1961) MLJ (Cr) 594
48. *Jagannath v. State of Uttar Pradesh,* 1974 Cr LJ 1939 at p. 1940 (All)