AILET

Difference Between Hurt and Grievous Hurt under IPC

Aparna Shukla · 23 Oct 2020

This article deals with the difference between Hurt and Grievous Hurt for CLAT. As per the syllabus of CLAT, the questions in Legal reasoning sections is mostly based on the concept revolving around the subject of Criminal law, Constitutional law, Tort, Contract etc.

One such topic of Criminal law is Hurt and Grievous hurt under IPC. Although these two terms look similar, it is very to understand the difference between them. Hurt is basically found in the chapter ' Offences against the human body'.

Hurt under IPC

Section 319 of the Indian Penal Code defines the offence of hurt. Causing Hurt is basically causing bodily pain, disease or infirmity to any person. It covers only physical pain and not mental pain. By infirmity, it means that the one or more of the organs is unable to carry out the normal bodily function. Such infirmity could be temporary or permanent. Such hurt is punishable under section 323 of the Indian Penal Code.

Section 321 of the Indian Penal Code is an extension of Section 319. It deals with the definition of 'Voluntarily causing hurt'. It defines it as "whoever does any act with the intention of thereby causing harm to any person, or with the expertise that he's likely thereby to reason hurt to any individual, and does thereby motive harm to any person, is stated: 'voluntarily to motive hurt'. To prove the offence under section 321, the element of mens rea is to be necessarily proved.

Grievous Hurt

Section 320 of the IPC deals with the definition of Grevious hurt and Section 322 deals with the offence of 'voluntarily causing grievous hurt'. There are eight specific situations which are said to be the essential element for causing grievous hurt to a person. These situations are

1. Emasculation.

2. Permanent privation of the sight of either eye.

3. Permanent privation of the hearing of either ear,

4. Privation of any member or joint.

5. Destruction or permanent impairing of the 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 sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.

Voluntarily causing grievous hurt is defined as “Whoever deliberately causes hurt, if the hurt which he expects to cause or realizes that himself will generally be prone to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said to have wilfully caused grievous hurt.

Difference between Hurt and Grievous Hurt

The concept of hurt is different from grievous hurt in the following ways:

1. The injuries caused in grievous hurt are specific in nature like emasculation, loss of sight, loss of limb, fracture, disfiguration etc. whereas the injuries caused in section 319 i.e. hurt are just covered by bodily pain, disease and infirmity.
2. The risk of life is much more grave in the case of grievous hurt than in the case of hurt.
3. Hurt is not punishable in itself. For hurt to b punishable, it must be accompanied by other offences. But grievous hurt is punishable in itself.
4. The offence of hurt is non-cognizable, bailable and triable by any Magistrate. Whereas the offence of grievous hurt is cognizable, bailable, compoundable with the permission of the Court.
5. The punishment for Hurt is given under section 323 of the Indian Penal Code and the punishment for grievous hurt is given under section 325 of the Indian Penal Code