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## Voluntarily Causing Hurt – Section 323 (Penal Code)

Criminal Law Practice Series

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# Voluntarily Causing Hurt; Section 323 of the Penal Code (Cap. 224)

## Section 323 – In Context

Section 323 covers cases where only minor hurt is caused. For instance, where A slaps B and B suffers “tenderness” to his cheek, A is likely to be liable under Section 323.

To draw a distinction, this is as opposed to more serious instances of violence, such as, Section 324 where weapons are used, Section 325 where “grievous” hurt is caused, etc.

## Section 323 – Pre & Post 1 February 2008

Also, pursuant to amendments made by the Penal Code (Amendment) Act in 2008, the parliament has deemed it fit to increase the penalties attendant to such offences.

**Pre 2008** – “Whoever, except in the case provided for by s 334, voluntarily causes hurt, shall be punished with imprisonment for a term which may extend to **one year**, or with fine which may extend to **\$1,000**, or with both.”

**Post 2008** – “Whoever, except in the case provided for by s 334, voluntarily causes hurt, shall be punished with imprisonment for a term which may extend to **2 years**, or with fine which may extend to **\$5,000**, or with both.”

## Illustration of Section 323

Lim Hung Kiang v PP – Offender assaulted the victim by slapping her on both cheeks and hitting her once on the head. The offender was charged under Section 323.



“Simple Hurt”

## Sentencing Principles

Whilst the sentencing of an offender entails a much more nuanced and considered approach by the Courts, the following provide a brief snapshot into some of the principles considered by the Courts, including:-

- a) Third Edition of the Practitioners' Library, *Sentencing Practice in the Subordinate Courts*, LexisNexis and the Subordinate Courts, Singapore, 2013 - *"From the precedents, if only minor injury is caused, the offence is dealt with by the imposition of a fine."*
- b) **Public Prosecutor v AOB** [2011] 2 SLR 793 - *"a custodial sentence is generally not imposed for a s 323 offences when: (a) the offender's actions were not premeditated; (b) the victim's injuries were minor; and (c) the altercation lasted for only a short time"*.
- c) A custodial sentence will likely be imposed when dealing with certain categories of cases, including but not

limited to;

- i. Where serious injury is caused in a deliberate attack.
- ii. Where there is a group attack on a single victim.
- iii. Where there is a racially motivated attack.
- iv. Where the offender has a record of violence.
- v. Where the offenders resort to violence over motoring-related incidents (i.e. road rage cases).
- vi. For offences committed against public transport workers.
- vii. For offences committed against domestic maids (i.e. maid abuse cases).
- viii. For offences committed against children or on spouses.

**"Each case has to be looked at on its own particular facts."**



For more information on the article, or if you wish to learn more about the topics discussed, please contact:-

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