

Assault and Battery

1. **Principle 1:** A person commits tortious assault when he intentionally engages in any act of such a nature as to excite an apprehension of battery.

Principle 2: Battery is any intentional and unpermitted contact with the plaintiff's person or anything attached to it and practically identified with it.

Facts: Mohan and Ram are neighbours living in the suburbs of Mumbai. They do not get along with each other. One day out of anger, Mohan put hand on his sword and shouted at Ram saying "if it were not for your grey hairs, I would tear your heart out". Ram files a case against Mohan for assault. Will he succeed?

- (a) No, Mohan is not liable for assault as he did not make any physical contact with Ram.
- (b) Yes, Mohan is liable for assault as he created an apprehension in Ram's mind that he would be murdered with a sword.
- (c) No, Mohan is not liable for assault as his words created no fear of causing injury to Ram.
- (d) None of the above.

2. **Principle:** An assault is an attempt to do a corporeal hurt to another, coupled with an apparent present ability and intention to do that act. A battery is the intentional and direct application of any physical force to the person of another.

Facts: A was sitting on a chair reading a book. His friend, B decided to play a practical joke on him. Accordingly, he pulled the chair from under him, as a result of which A landed on the floor.

- (a) B's act amounts to a battery.
- (b) B's act amounts to an assault.
- (c) B's act amounts to an assault till the time A lands on the floor.
- (d) B's act amounts to neither because there was no intention.

3. **Principle:** For Battery, trespass to person is required.

Explanation: Trespass to person entails making contact with the body of the person aggrieved. No actual damage needs to be proved.

Facts: Julia, the fiancée of Julian, entered into a room and had an argument with Julian. She slapped Julian. Julian's mother, who always disapproved of Julia, filed a case of battery against Julia.

- (a) She would not succeed as no trespass to person has been committed.
- (b) She would succeed as trespass to person has been committed.
- (c) She would not succeed as Julian is her fiancée and her mother has no say in the matter, though trespass to person has been committed.
- (d) She would succeed as trespass is borne out of the facts of the case, and Julian has suffered trespass to person.

4. **Principle:** To establish assault, intentional causing of reasonable apprehension of immediate harmful or offensive contact is essential.

Explanation: Intentional causing of apprehension means doing acts which put a reasonable person in fear of harm.

Facts: Mr. Johnson, known to be an extremely timid man, was threatened by an exact replica of a colt 56 revolver. The threat was given by one Mr. Narangi. Mr. Narangi put the replica against Mr. Johnson's forehead. In a suit for assault, Mr. Johnson:

- (a) Would succeed against Mr. Narangi as the act was enough to put any reasonable man under the threat of immediate harmful contact.
- (b) Would not succeed against Mr. Narangi as a replica was used as opposed to a real gun.
- (c) Would not succeed against Mr. Narangi as there was no apprehension caused.
- (d) Would succeed against Mr. Narangi as Mr. Johnson was timid and any dangerous looking object would suffice in his case.

5. **Principle:** Act of intentional use of force to cause physical injury or personal discomfort amounts to battery.

Explanation: In the eyes of law, it is the act in itself and not the injury which must be intentional to constitute battery.

Facts: Judge Wilson was known for his decision acquitting the accused of Christian Riots Case. Morris, tutor in a missionary school, hurled a shoe at him in the open court. Fortunately, Mr. Wilson ducked and was not hurt. Mr. Wilson sued Mr. Morris for tort of battery. Mr. Morris defended by stating that no physical injury was caused to Judge Wilson.

- (a) Act would constitute tort of battery as Mr Morris intentionally hurled the shoe to injure Judge Wilson.
- (b) Act would not constitute tort of battery as Judge Wilson was not hurt.
- (c) Act would not constitute tort of battery as it was merely intended to show disrespect.
- (d) Act amounts to interference with administration of justice.