

Sentencing Regime under the Indian Penal Code

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Abstract: India is developing country but day by day crimes rates also increasing in the country. Various punishments have been implemented to reduce crimes. There are different punishments for different crimes. Example of crimes like murder, theft, rape and trespass. Punishments are meant for those who are doing wrong things or we can say that the intention of people is wrong. This research paper tells about the punishment and its various forms. Punishments may be in form of fine, imprisonment or both. As per the record of National crime bureau record crime rate in India 2021 is 445.9. We have to decrease the crime rate in India. In India rape is increasing, rape rates in 2021 is 31, 677 and in 2020 is 28, 046. In today scenario we can say rape case increase day by day which is highly dangerous. The punishment should strict for rare of the rarest case.

Keywords: Indian penal code, Rigorous imprisonment, crime rates and National crime bureau record.

1. Introduction

In Indian Penal Code, types of punishment include imprisonment, fine, forfeiture of property and death. In imprisonment, there is rigorous imprisonment is used for serious crimes like such as murder, rape, and other violent offences, rigorous imprisonment is considered as harsh punishment as compared to simple imprisonment. Punishment is a consequence for unpleasant act that who are doing wrongfully commits. Punishments are prominent features of criminal law. There is a capital punishment is also called death penalty whereas means a prisoner is killed as punishment for their crimes.

Punishments

According to SECTION 53 of IPC states that punishment is liable under the provision of code –

FIRST – Death

SECOND – life imprisonment

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FOURTH –Property forfeiture

FIFTH –Fine

SIXTH –Imprisonment which is two types

a) Rigorous imprisonment or,

b) Simple

Thirdly omitted by Act 17 of 1949.

SECTION 54 COMMUTATION OF DEATH: - In some cases, sentence of death may or, may not, take the consent of the offender, which the punishment of the sentence of death is implemented in this code.

Section 55 Commutation of Sentences of Life Imprisonment: - In some cases, sentence of life imprisonment have passed or may not be the consent of the offender, imprisonment punishment is either description in term or not exceeding fourteen years.

Kinds of Punishment

Following of kinds of punishment are as mentioned below: -

- Capital punishment
- Corporal punishment
- Imprisonment
- Solitary confinement

e) Fine

Capital Punishment (Or Death Penalty): In capital punishment or death penalty means the criminal or a prisoner hanging until death this type of punishment are very rare in India. This Type of punishment when a agent is doing fraud with their country.

CASE: - MUKESH & ANR V. STATE FOR NCT OF DELHI & ORS. (NIRBHAYA CASE) DECEMBER 16TH, 2012.

CASE: - JAGMOHAN SINGH V. UTTAR PRADESH (1973)

Corporal Punishment: This kind of punishment very common in the ancient and the mediaeval period. Corporal punishment includes torture, beating or modulation. This punishment basically used by the Mughals and the Marathas in the ancient India. Corporal punishment is inhuman or ineffective.

Imprisonment

Imprisonment is basically two types 1) Rigorous or 2) simple.

Mainly we can see imprisonment lawful either unlawful. If the prisoner commits murder, rape, and other violent offences he / she will get rigorous imprisonment. Whereas simple imprisonment means they have to do a light duties in jail and these types of prisoners are not to do hard duties.

CASE: - MD. MUNNA V. UNION OF INDIA & ORS. SEPTEMBER 16TH 2005.

FACT OF THE CASE –In this case, writ petition was filed under ARTICLE 32 of INDIAN CONSTITUTION. The petition was guilty of murder. And he has already got Imprisonment of 21 years. The petitioner was claimed for life imprisonment to be equivalent of 20 years and further subject to remission admission under the law.

Solitary Confinement:

According to the SECTION 73 of Indian penal code solitary confinement is a form of imprisonment where prisoner a lot a single cell type of prison with less or no meaningful contact to other people.

According to the SECTION 74 of the Indian penal code solitary confinement punishment defines the punishment in this section, a offender shall be executed that the duration will not be exceeded from 14 days to one month.

Fine

The court takes the decision whether the takes fine or imprisonment for any punishment. The court has to decide whether imprisonment, fine or both in particular case.

SECTION 64 IMPRISONMENT OF NON - PAYMENT OF FINE: - In some cases, punishment is given to criminal shall be Imprisonment or fine or both, which is offence the sentence of fine, with or without imprisonment, and in every cases offences punishable with only fine.

SECTION 65 IMPRISONMENT LIMIT FOR NON – PAYMENT OF FINE: - In this case the court has direct offence for imprisonment shall not be default of payment exceed one fourth, if offence done a crime with the maximum fixed payment then in this case criminal must be fine or imprisonment both.

Conclusion

From this research paper I learnt that punishment can be in imprisonment, fine, death penalty or solitary confinement. It depends upon on the criminal which type of crime he/ she committed. According to their crimes, the court give them punishment.

As we see punishment may decrease the crime rates in India which is necessary, for rape case or murder case punishment should be death penalty. If court gives death penalty to this type of crimes no one can think of doing any crime in India.

References

- [1] INDIAN PENAL CODE BARE ACT
- [2] LINK: - 1) [WWW.SLIDESHARE. NET](http://WWW.SLIDESHARE.NET)