

RMM LAW COLLEGE SAHARSA

Indian Penal Code

Ist Part

Paper -

TOPIC- Punishment

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Date:- 07/12/2020

53. Punishments:

The punishments to which offenders are liable under the provisions of this Code are -

First. - Death;

[Secondly. - Imprisonment for life;]

Thirdly. - Omitted by Act 17 of 1949, S. 2 (w.e.f. 6.4.1949).

Fourthly. - Imprisonment, which is of two descriptions, namely :-

(1) Rigorous, that is, with hard labour;

(2) Simple;

Fifthly. - Forfeiture of property;

Sixthly. - Fine.

53-A. Construction of reference to transportation:

(1) Subject to the provisions of sub-section (2) and sub-section (3), any reference to "transportation for life" in any other law for the time being in force or in any instrument or order having effect by virtue of any such law or of any enactment repealed shall be construed as a reference to "imprisonment for life".

(2) In every case in which a sentence of transportation for a term has been passed before the commencement of the Code of Criminal Procedure (Amendment) Act, [1955] (26 of 1955), the offender shall be dealt with in the same manner as if sentenced to rigorous imprisonment for the same term.

(3) Any reference to transportation for a term or to transportation for any shorter term (by whatever name called) in any other law for the time being in force shall be deemed to have been omitted.

(4) Any reference to "transportation" in any other law for the time being in force shall,-

(a) if the expression means transportation for life, be construed as a reference to imprisonment for life;

(b) if the expression means transportation for any shorter term, be deemed to have been omitted.]

54. Commutation of sentence of death:

In every case in which sentence of death shall have been passed, [the appropriate Government] may, without the consent of the offender, commute

the punishment for any other punishment provided by this Code.

55. Commutation of sentence of imprisonment for life:

In every case in which sentence of [imprisonment] for life shall have been passed, [the appropriate Government] may, without the consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding fourteen years.

55-A. Definition of "appropriate Government":

In sections 54 and 55 the expression "appropriate Government" means, -

(a) in cases where the sentence is a sentence of death or is for an offence against any law relating to a matter to which the executive power of the Union extends, the Central Government; and

(b) in cases where the sentence (whether of death or not) is for an offence against any law relating to a matter to which the executive power of the State extends, the Government of the State within which the offender is sentenced.]

56. Sentence of Europeans and Americans to penal servitude/Proviso as to sentence for term exceeding ten years but not for life:

Repealed by the Criminal Law (Removal of Racial Discriminations) Act, 1949
(17 of 1949) (w.e.f. 6.4.1949).

57. Fractions of terms of punishment:

In calculating fractions of terms of punishment, imprisonment for life shall be reckoned as equivalent to imprisonment for twenty years.

58. Offenders sentenced to transportation how dealt with until transported:

Repealed by the Code of Criminal Procedure (Amendment) Act, 1955 (26 of 1955), S. 117 and Sch. (w.e.f. 1.1.1956).

59. Transportation instead of imprisonment:

Repealed by S. 117 and Sch. *ibid.* (w.e.f. 1.1.1956).

60. Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple:

In every case in which an offender is punishable with imprisonment which may be of either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

61. Sentence of forfeiture of property:

Repealed by the Indian Penal Code (Amendment) Act, 1921 (16 of 1921), S. 4.

62. Forfeiture of property, in respect of offenders punishable with death, transportation or imprisonment:

Repealed by S. 4, ibid.

63. Amount of fine:

Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive.

64. Sentence of imprisonment for non-payment of fine:

[In every case of an offence punishable with imprisonment as well as fine], in which the offender is sentenced to a fine, whether with or without imprisonment, and in every case of an offence punishable [with imprisonment or fine, or with fine only, in which the offender is sentenced to a fine,] it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence.

65. Limit to imprisonment for non-payment of fine, when imprisonment and fine awardable:

The term for which the Court directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.