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imprisonment meaning

6 years ago 3 Re



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Adv Archana

The Indian Penal Code specifies two types of imprisonment: simple imprisonment and rigorous imprisonment. The court can award either of it. Under simple imprisonment, a convict can remain virtually idle in the prison, but has to work compulsorily if the court awards rigorous imprisonment.

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6 years ago



@Querist,

You have wrongly written 'Imprisonment of either description'. Perhaps you wanted to say 'Punishment of either description'.

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Punishment of either description means-

If any offence under the code is punishable with either fine or imprisonment or both, as the case may be, the court may award any or both of such punishment.

If not above, Advocate Archana is right in her reply.

Note-This reply should be taken as per the declaration given in my profile page.

Thanks,

Regards,

↩ Reply

🕒 2 years ago



VIJAY ▾

Points: 22

The question asked by Advocate Shri Cherukuri Prasad is absolutely right. If you go through the different Sections of IPC you will find the words in same order i.e; "IMPRISONMENT OF EITHER DESCRIPTION.". The answer given by Adv Ms Archana is not to the point. The intention of Shri Prasad is somewhat different.

Examples: 363 IPC - Shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine." - Here, Quantum/period of imprisonment is not definite/fixed but its extent is fixed/limited by seven years. It can not be more than seven years. In addition to the imprisonment, whatsoever the length is, the convicted has to bear monetary fine (which is also not defined/definite/fixed).

Note: The term of imprisonment as well as the quantum of monetary fine is left with the discretion/wisdom of the judge deciding the case.

363-A IPC - punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine." Similarly, here also, period/length of imprisonment (but extent limited to seven years) and quantum of monetary fine is not fixed but, left with the discretion/ wisdom of the judge deciding the case. Monetary fine is in addition to the imprisonment.

357 IPC - with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both." Similarly, here also, period/length of imprisonment (but extent limited to one year) and quantum of monetary fine (But maximum fine can not be more than one thousand rupees) is not fixed but, left with the discretion/ wisdom of the judge deciding the case. Here, monetary fund is not in addition to the imprisonment but it is left with the discretion/wisdom of the judge whether the offender should be penalised with any one of them i.e; either with imprisonment only or with fine only or with both.

Note: where the law is definite/clear by its wordings there is no ambiguity. We should see the importance of "shall", "may" and "or". Shall = definite/defined; May = not definite/not defined . May and Or = depends upon the discretion/wisdom of the judge deciding the case.

I think this article will be helpful for understanding the question asked by Shri Prasad and, will clear the doubts.

Vijay

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