


**PRISONS SHOULD BE USED AS
A LAST RESORT AND NOT AS
FIRST RESPONSE**



OBJECTIVES OF KEEPING UNDER TRIALS IN JUDICIAL CUSTODY

- **Preventing from committing other crimes**
 - **Deterrence to society**
 - **Protecting the offender from Victim**
 - **Not to tamper with the evidence**
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Think before sending someone to prison for small crimes: Telangana high court

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Picture used for representational purpose only

HYDERABAD: Urging the trial courts to think twice before sending people to jail for smaller crimes, the Telangana high court on Tuesday set aside a 4-day prison sentence awarded to a youth by a Cyberabad magistrate. The youth was using his mobile phone while driving his vehicle. He was caught by Cyberabad police and was produced before the court. The magistrate

had slapped a four-day jail term on him for the crime. The youth's uncle had filed the current plea challenging the jail term.

The bench comprising Justice Raghavendra Singh Chauhan and Justice T Amarnath Goud heard the petitioner's counsel P Sashi Kiran who told the court about the way police explained the case to them and the way it happened later.

"They asked (his client) to admit the crime before the court which will ask him to pay some penalty. He went ahead and admitted his crime following which the magistrate slapped a jail term on him," the youth's counsel said. "We can approach the district court against this verdict, but it is a time consuming process and hence we came to high court," the counsel added.

LATEST COMMENT

Send this Magistrate home.

Sampath Bulusu

SEE ALL COMMENTS

ADD COMMENT

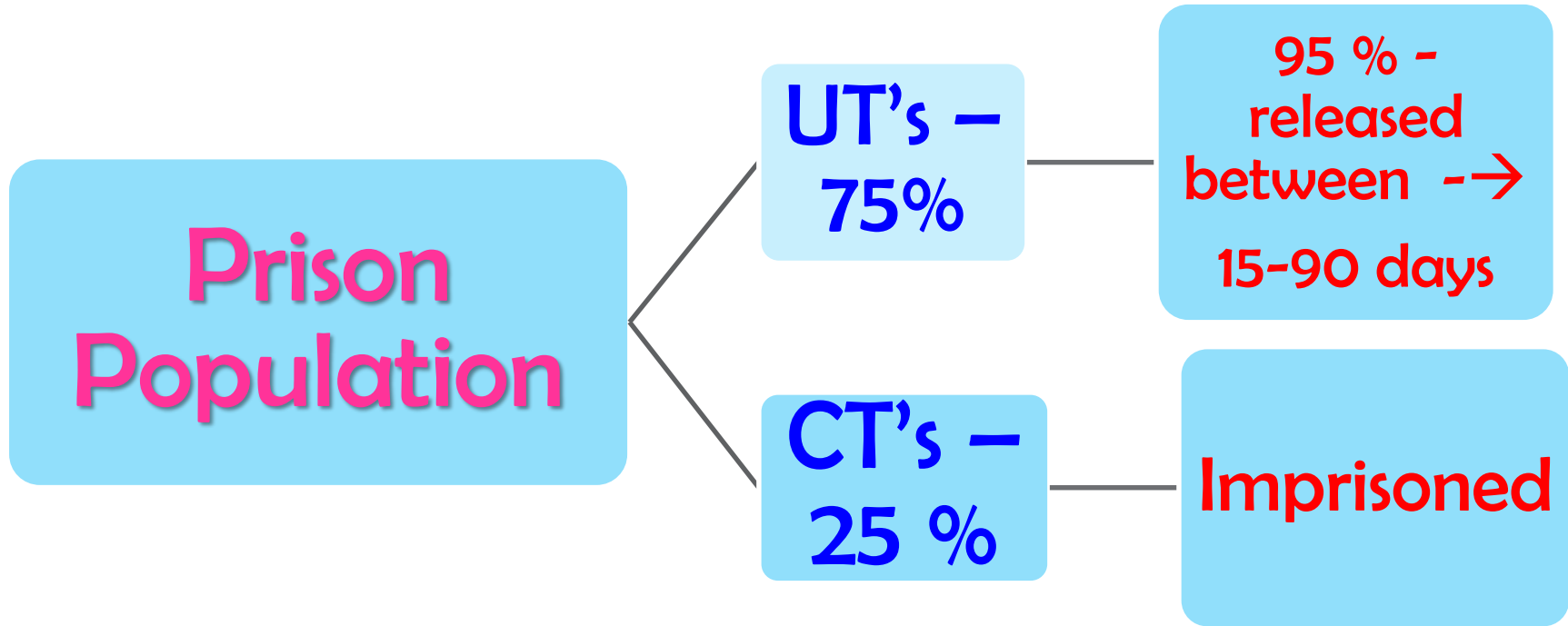
The bench after coming to know that the driver was a first time offender and that he had not caused any accident, modified the punishment to a Rs 500 penalty and set aside the jail term. "The trial courts must keep in view the trauma the families undergo if their kin go to jail," the bench said while ordering the release of the youth.

ALTERNATIVES TO IMPRISONMENT



WHY ?





COST OF IMPRISONMENT

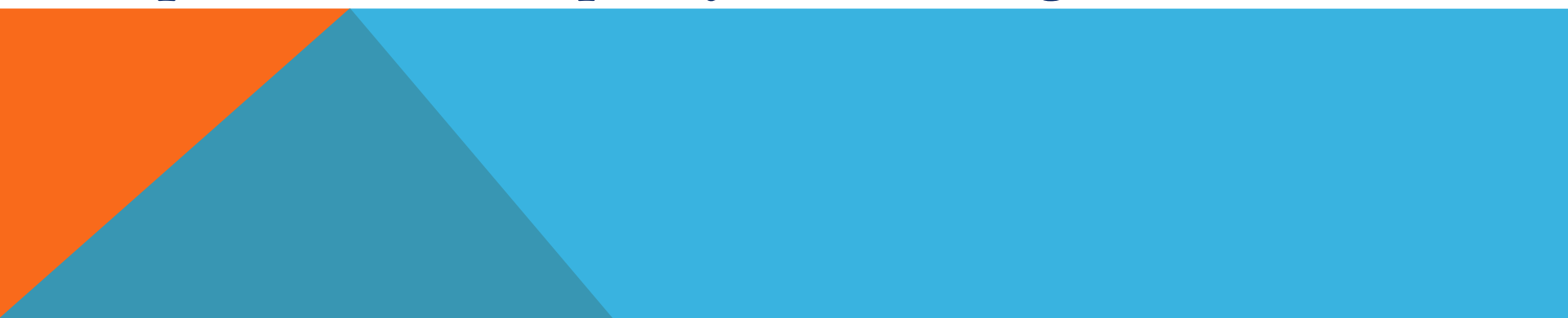
- Average cost to a Prisoner is more than Rs. 2,00,000/- per annum

- Imprisonment is costly in terms of not just financial expenditure, it also has social costs.
- It damages people socially and psychologically making the process of reintegration difficult and challenging

PLEA BARGAINING:

➤ Plea bargaining can be defined as pre-trial negotiations between the accused and the Prosecution, during which the accused agrees to plead guilty in exchange for certain concessions by the prosecution.


DIVERSION:

- Diversion involves removal from criminal justice process and redirection to community support service.
 - These practices serve to avoid negative effects like stigma in subsequent proceedings in criminal justice administration.
 - Village Panchayat, which has been delegated certain powers in matters relating to peace and tranquility in the village.
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ADMINISTRATIVE FINES / NON PENAL FINES:

- The traffic law and other special laws
- Helps in reduction of the large percentage of pre trial detention of under trials.

ADMONITION / ABSOLUTE DISCHARGE CONDITIONAL DISCHARGE:

- Under Sections 360 and 361 of the Cr.P.C, 1973, an admonition is available for juvenile cases
 - Offenders who commit an offence punishable with imprisonment for less than 2 years for first time
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COMPENSATION:

- Under Sections 357 to 359 of the Cr.P.C, 1973, the Courts may order offenders to *pay such compensation*
 - The court thinks reasonable for loss or injury caused to any person by the commission of the offences.
 - The courts order compensation along with any other addition sentence.
 - *It is not an independent sentence, alternative to short term imprisonment.*
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PROBATION:

- Probation is one of the outstanding non custodial measure
- Designed to work for early reformation and re-socialization of criminals while they remain in the communities as ordinary citizens by subjecting them to certain conditions with which they must comply.

NEW FORMS OF COMMUNITY-BASED SENTENCE:

- **Community-based sentences have yet to emerge as alternatives to imprisonment in the legal framework of our country.**
 - **Andhra Pradesh has come up with a draft of The Andhra Pradesh Community Service of Offenders Act, 2003.**
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NEW FORMS OF COMMUNITY-BASED SENTENCE:

- The Andhra Pradesh Legislation will apply to persons convicted for minor offences punishable with imprisonment of either description for a term not exceeding *two years* or with fine, or with both.
- The kind of community services are – to undertake work in a welfare institutions involved in care of old or disabled persons

NEW FORMS OF COMMUNITY~BASED SENTENCE:

- Environmental improvements e.g. tree plantation, maintenance,
- Construction and renovation of buildings like that of schools, hospital, etc.
- This legislation is at present pending with the Government of India for its concurrence.

Thank you

