

PAPER ON THE TOPIC OF SUSPENSION OF SENTENCE BY THE TRIAL COURT AND SENTENCING POLICY

Part - I

Suspension of Sentence by the Trial Court

➤ **Suspension meaning -**

1] “Suspension” means to take or withdraw the sentence for the time being. It is an act of keeping the sentence in abeyance at the pleasure of the person who is authorised to suspend the sentence, and if no conditions are imposed, the person authorised to suspend the sentence has the right to have the offender re-arrested and direct that he should undergo the rest of the sentence without assigning any reason. This position is given in the Law Commission 41st Report P. 281 para 29.1; and also in cases like *Ashok Kumar v. Union of India [AIR 1991 SC 1792]*; *State of Punjab v. Joginder Singh [AIR 1990 SC 1396]*

2] Section 389 (1) and (2) of Cr.P.C. deals with a situation where convicted person can get a Bail from appellate court after filing the criminal appeal. Section 389 (3) deals with a situation where the trial court itself can grant a bail to convicted accused enabling him to prefer an appeal. Since we are concerned with the power of the trial Court to suspend the sentence, section 389(3) must be taken into account.

➤ **Section 389(3) is applicable only in the following conditions -**

1. The Court must be the convicting Court,
2. The accused must be convicted by the Court,
3. The convict must be sentenced to imprisonment for a term NOT exceeding three years,
4. The convict must express his intent to present appeal before the appellate Court,
5. The convict must be on bail on the day of the judgment,

6. There should be right of appeal [Mayuram Subramanian Srinivasan vs C.B.I ((2006) 5 SCC 752)].

➤ **Trial Court's Powers u/s 389(3) of Cr.P.C. -**

1. Trial Court has power to release such convict on bail,
2. Trial Court has power to refuse the bail if there are “special reasons” ,
3. Trial Court has power to release such convict for such period as will afford sufficient time to present the appeal and obtain the orders of the Appellate Court

3] Thereafter, it is provided that “the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended”. So what is important to take note of, is that first the Trial Court has to decide whether there are special reasons to refuse the bail. If the trial Court does not find any special reasons for rejection of the bail, then the convict has to be released on bail for enabling him to present appeal to the appellate Court.

➤ **Features of section 389(3) -**

1. The convict shall not be released on bail “as of right” but he will have to satisfy that he is “eligible” to be released on bail;
2. If the trial Court is satisfied that there are “special reasons” for not releasing the convict on bail, then the Trial Court can very well do;
3. The sole purpose of this provision is to enable the convict to present appeal to the appellate Court;
4. No maximum period is prescribed for releasing the convict on bail;
5. Under this section 389(3) suspension of sentence is “deemed”

suspension;

6. Suspension of sentence is by-product of the accused being released on bail;
7. The Trial Court has no power to suspend the sentence and then order the release of the convict on bail.

➤ So the order of trial Court should be like this:

“The convicted is released on bail, since he intends to prefer appeal against the judgment and order of this Court and there are no special reasons for refusing bail, for such period as will afford sufficient time to present the appeal within limitation period and obtain the orders of the Appellate Court under sub-section (1); and the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended.”

➤ Difference in operations of Sub-section (1) and (3)

1. Sub-section (1) comes into play when appeal is pending BUT Sub-section (3) comes into play when the convict expresses his intention to present appeal.
2. Sub-section (1) tells “suspension” first and then talks of “release on bail” or “own bond” BUT Sub-section (3) tells “release on bail” first and then “suspension” is then the “automatic” effect.
3. Sub-section (1) does not prescribe that the accused must be on bail BUT Sub-section (3) can be used only if the accused is on bail on the day of judgement.
4. Sub-section (1) gives option to release the convict on “bail” or “his own bond” BUT Trial Court *vide* Sub-section (3) does not have power to release the convict on “his own bond”. However trial Court can also release accused on his own bond

if the accused is poor etc.

5. In nutshell, *vide* Sub-section (1) suspension is cause and bail is effect and *vide* Sub-section (3) bail is cause and suspension is effect.

➤ **Suspension of Fine -**

4] Whenever an offender is ordered to pay fine, such payment should be made forthwith. Section 424 of the Code, however, enables the Court to suspend the execution of sentence in order to enable him to pay the amount of fine either in full or in instalments. It deals with two types of cases which are like this.

5] Sub-section (1) provides that when an offender has been sentenced to fine only and to imprisonment in default of payment of fine and the fine is not paid forthwith, the Court may order that the fine should be paid in full within 30 days, or in two or three installments the first of which should be paid within 30 days and the other or others at an interval or intervals of not more than 30 days.

6] Sub-section (2) refers to a case where there is no sentence of fine but an order of payment of money has been made by the Court and for non-payment of such amount, imprisonment is awarded. In such cases also, the Court can grant time to pay amount. In either case, if the amount is not paid, the Court may direct the sentence of imprisonment to be executed at once.

7] **Hon'able Supreme Court in Ravikant S. Patil v. Sarvabhuma Bagali [(2007) 1 SCC 673]** has held that;

"15. It deserves to be clarified that an order granting stay of conviction is not the rule but is an exception to be resorted to in rare cases depending upon the facts of a case. Where the execution of the sentence is stayed, the conviction continues to operate. But where the conviction itself is stayed, the effect is that the conviction will not be operative from the date of stay. An order of stay, of course, does not render the conviction non-existent, but only non-operative. Be that as it may. In so far as the present case is concerned, an application was filed specifically seeking stay of the order of conviction specifying the consequences if conviction was not stayed, that is, the appellant would incur disqualification to contest the election. The High Court after considering the special reason, granted the order staying the conviction. As the conviction itself is stayed in contrast to a stay of execution of the sentence, it is not possible to accept the contention of the respondent that the disqualification arising out of conviction continues to operate even after stay of conviction."

PART II

Sentencing Policy

1] A crime is an act which is harmful to society in general, even though its immediate victim is an individual. Those who commit such acts are proceeded against by the State in order that, if convicted, they may be punished. Criminal Proceedings, if successful, result in one of a number of punishments, ranging from hanging to a fine or in a binding over to keep the peace, release on probation, or other outcome known to

belong distinctively to a criminal law. Punishment is a method of protecting society by reducing the occurrence of criminal behaviour. Punishment can protect society by deterring the potential offenders, preventing the actual offender from committing further offences and by reforming and turning him into a law abiding citizen.

2] A month ago debate on the death penalty of one convict in Bombay Blast case has again invited attention of society towards sentencing policy. Debate has again resumed, whether death sentence should remain in the statute books. Many consider the execution by hanging by neck till death to be a barbaric method. But repeatedly the Supreme Court of India has upheld the constitutional validity of death sentence and the method of execution by hanging. However, during the last two hundred years, the practice of punishment and public opinion concerning it has been profoundly modified due to the rapidly changing social values and sentiments of the people. The crucial problem today is whether a criminal is to be regarded by society as a nuisance to be abated or an enemy to be crushed or a patient to be treated or a refractory child to be disciplined ? Or should he be regarded as none of these things but simply be punished to show to others that anti-social conduct does not finally pay.

3] The importance of Sentencing lies in the fact that it becomes the face of Justice and a future deterrent for the prospective offender of law. It is said by researchers that Indian Criminal Courts are champions in the art of fact finding and law applying, but when it comes to the process of Sentencing, there lies the lacuna. It is their opinion that the success of Indian Criminal Courts in fact finding due to unemotional and objective approach and its failure in Sentencing is due to emotional reaction and lack of well-defined sentencing policy.

4] The prescription of punishment in each penal section is only the measure prescribed by law for dealing with offender who is proved to have committed that crime. But determination of right measure of punishment is of a great difficulty. Judge is called upon to exercise wide discretion which involves an onerous, delicate and complex duty.

5] In *Narender Singh v. State of Punjab(CRIMINAL APPEAL NO.686/2014 arising out of S.L.P.(Criminal) No.9547 of 2013)*, Hon'ble Supreme Court has emphasized the need of sentencing guidelines stating that there are provisions, statutory or otherwise in other countries, which may guide judges for awarding specific sentence. However, in India we do not have such sentencing policy till date. The Supreme Court observed that the prevalence of such guidelines may not only aim at achieving consistency in awarding sentences in different cases, such guidelines normally prescribe the sentencing policy as well.

6] *In Soman v. State of Kerala [(2013) 11 SCC 382]*, Hon'ble Supreme Court observed that:

“Giving punishment to the wrongdoer is at the heart of the criminal justice delivery, but in our country, it is the weakest part of the administration of criminal justice. There are no legislative or judicially laid down guidelines to assist the trial court in meting out the just punishment to the accused facing trial before it after he is held guilty of the charges”

7] In the year 2003, the ‘Malimath Committee’ laid down the guidelines to minimize the uncertainties in awarding sentences. It stated that:

“The Indian Penal Code prescribed offences and punishments for the same. For many offences only the maximum punishment is prescribed and for some offences the minimum may be prescribed. The Judge has wide discretion in awarding the sentence within the statutory limits. There is now no guidance to the Judge in regard to selecting the most appropriate sentence given the circumstances of the case. Therefore each Judge exercises discretion accordingly to his own judgment. There is therefore no uniformity. Some Judges are lenient and some Judges are harsh. Exercise of unguided discretion is not good even if it is the Judge that exercises the discretion. In some countries guidance regarding sentencing option[s] is given in the penal code and sentencing guideline laws. There is need for such law in our country to minimize uncertainty to the matter of awarding sentence.”

8] It is true that there is no particular sentencing policy or guideline to regulate the discretion of Judge. But there are various guiding factors and judgments of Hon'ble Supreme Court as well as various High Courts which can be considered while sentencing convicted person.

9] The main goal of the criminal justice system is to prevent the occurrence of crime, to punish the transgressors, the criminals, to rehabilitate the transgressors and the criminals, to compensate the victims as far as possible, to maintain law and order in the society and to deter the offenders from committing any criminal act in the future. Thus, the main object of sentencing should be to achieve above mentioned goal of our justice system.

10] In *Alister Anthony Pareira v. State of Maharashtra* (AIR 2012 SC 3802), the Supreme Court observed that;

“One of the prime objectives of the criminal law is imposition of [an] appropriate, adequate, just and proportionate sentence commensurate with the nature and gravity of [the] crime and the manner in which the crime is done. There is no straitjacket formula for sentencing an accused on proof of crime. The courts have evolved certain principles: [the] twin objective of the sentencing policy is deterrence and correction. What sentence would meet the ends of justice depends on the facts and circumstances of each case and the court must keep in mind the gravity of the crime, motive for the crime, nature of the offence and all other attendant circumstances.”

11] Apex Court has held in various decisions that the theory of proportionality, deterrence, seriousness and rehabilitation should be taken into account while exercising discretion in sentencing.

12] Hon'ble Apex Court has approved *proportionality principle* in the case of *Shailesh Jasvantbhai and Another v. State of Gujarat and Others*, [(2006)2 SCC 359]. It has held that;

"In operating the sentencing system, law should adopt the corrective machinery or deterrence based on factual matrix. By deft modulation, sentencing process be stern where it should be, and tempered with mercy where it warrants to be. The facts and given circumstances in each case, the nature of the crime, the

manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration. It was the duty of every Court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed. The sentencing Courts are expected to consider all relevant facts and circumstances bearing on the question of sentence and proceed to impose a sentence commensurate with the gravity of the offence."

13] The **theory of retribution** is based on the assumption that causing pain to the offender or making them face other unpleasant consequences is right and proper. Though it seems to be of primitive nature but its presence can always be felt in the Criminal Justice system.

14] In **Kunju Janaratharan v. State of Kerla (AIR 1979 SC 916)**, Hon'ble Apex Court observed that:

"The retributive theory has had its day and is no longer valid. Deterrence and reformation are the primary social goals which make depreciation of life and liberty reasonable as penal panacea."

15] The **theory of prevention** authorizes the infliction of pain in order to prevent future crimes. General prevention aims at dissuading members of the society, who have not committed those crimes, from committing them and creating a fearful environment for those who have proclivity for committing crimes.

16] The deterrence theory assumes that man is a rational being who has a free will. But it can be countered with the argument that the human beings and their behavior is too unpredictable to reduce to a mechanistic formula. Often punishments are made severe so as to convey the message that anyone committing crimes will be similarly dealt with thus acting as a deterring force.

17] The theory of rehabilitation is based on the assumption that criminality of human being depends upon external and internal forces which can be predicted by experts in order to prevent future crimes.

18] Mitigating and Aggravating factors also play important role. Mitigating and aggravating factors have to be construed in the light of facts of each case independently. No straight jacket formula can be laid down in that respect. However, following instances can be said as aggravating and mitigating factors.

19] Aggravating Circumstances:

19.1] Commission of heinous crime like murder, rape, armed decoity, kidnapping etc. by a person with previous history of conviction for capital felony or having substantial history of conviction in serious offence.

In Mahesh v. State of M.P. [(1987) 2 SCR 710], Apex Court while refusing to reduce the death sentence observed thus:

"It will be a mockery of justice to permit the accused to escape the extreme penalty of law when faced with such evidence and such cruel acts. To give the lesser punishment for the accused would be to render the justicing system of the country suspect. The common man will lose faith in courts. In such cases, he

understands and appreciates the language of deterrence more than the reformative jargon."

- 19.2] Commission of offence by a person involved another serious offence.
- 19.3] Commission of offence with intent to create a fear psychosis in the public at large or in a public place with a weapon or device which could be hazardous to the life of more than one person.
- 19.4] Commission of offence for ransom or to gain money or monetary benefits.
- 19.5] Hired killings, cruel acts.
- 19.6] Commission of offence involving inhumane treatment and torture to the victim.

In *Dhananjay Chatterjee v. State of W.B. (1994 (2) SCC 220)*, Apex Court has observed that shockingly large number of criminals go unpunished thereby increasingly, encouraging the criminals and in the ultimate making justice suffer by weakening the system's creditability. The imposition of appropriate punishment is the manner in which the Court responds to the society's cry for justice against the criminal. Justice demands that Courts should impose punishment befitting the crime so that the Courts reflect public abhorrence of the crime. The Court must not only keep in view the rights of the criminal but also the rights of the victim of the crime and the society at large while considering the imposition of appropriate punishment.

In *Ravji v. State of Rajasthan, (1996 (2) SCC 175)* it has been held in the said case that it is the nature and gravity of the crime and not the criminal, which are germane for consideration of appropriate punishment in a criminal trial. The Court will be failing in its duty if

appropriate punishment is not awarded for a crime which has been committed not only against the individual victim but also against the society to which the criminal and victim belong. The punishment to be awarded for a crime must not be irrelevant but it should conform to and be consistent with the atrocity and brutality with which the crime has been perpetrated, the enormity of the crime warranting public abhorrence and it should "respond to the society's cry for justice against the criminal". If for an extremely heinous crime of murder perpetrated in a very brutal manner without any provocation, the most deterrent punishment is not given, the case of deterrent punishment will lose its relevance.

19.7] Commission of offence by a person while having lawful custody of the victim.

19.8] Commission of offence to prevent a person discharging public duty.

19.9] Committing attempt of murder of entire family or members of a particular community.

19.10] Commission of offence by a person on whom the victim has complete trust.

Hon'ble Bombay High Court in *Bhagwat Ganpat Taide V/s. The State of Maharashtra, (2006 (3), A.I.R. Bom. R. 250)*, observed that;

“The petitioner/accused was a teacher. Imparting knowledge is a noble profession. The petitioner was in a position of loco parentis to his pupil. Instead of imparting knowledge petitioner was indulging in molestations of young girls of tender age. If the conduct of the petitioner is considered this is not fit case for showing leniency.”

19.11] Commission of offence for a motive which evidences total depravity and meanness.

- 19.12] Commission of offence without any provocation at the hands of victim.
- 19.13] Commission of offence in brutal manner that it pricks or shocks not only the judicial conscience but even the conscience of the society.

In **State of M.P. v. Bablu Natt, [(2009)2 S.C.C. 272]**,
Hon'ble Apex Court held that;

“ In recent years, we have noticed that crime against women are on the rise. These crimes are an affront to the human dignity of the society. Imposition of grossly inadequate sentence and particularly against the mandate of the Legislature not only is an injustice to the victim of the crime in particular and the society as a whole in general but also at times encourages a criminal. The Courts have an obligation while awarding punishment to impose appropriate punishment so as to respond to the society's cry for justice against such criminals. Public abhorrence of the crime needs a reflection through the court's verdict in the measure of punishment. The Courts must not only keep in view the rights of the criminal but also the rights of the victim of crime and the society at large while considering imposition of the appropriate punishment. The heinous crime of committing rape on a helpless 13/14 years old girl shakes our judicial conscience. The offence was inhumane. There are no extenuating or mitigating circumstances available on the record which may justify imposition of sentence less than the minimum prescribed by the Legislature under Section 376(1) of the Act.”

20] **Mitigating Circumstances:**

- 20.1] The circumstances in which the offence is committed, such as extreme mental or emotional disturbance or extreme provocation in contradistinction to all these situations in normal course.
- 20.2] The age of the convict.
- 20.3] The possibilities of indulging in commission of the crime in future.
- 20.4] The possibility of reformation and rehabilitation
- 20.5] Biological infirmity of the convict like capacity to understand the result of the act purportedly done
- 20.6] The manner in which the offence is committed

21] There are mitigating circumstances as stated above. But the same cannot be construed mechanically. Hon'ble Apex court in **State of Madhyapradesh vs Mehtab, (Cri. Appeal no. 290/2015, dated 13.02.2015)** has observed that,

“we find force in the submission, it is the duty of the court to award just sentence to a convict against whom charge is proved. While mitigating and aggravating circumstance may be given due weight, mechanical reduction of sentence to the period already undergone cannot be appreciated. Sentence has to be fair not only to the accused but also the victim and the society.”

22] In **Brajendrasingh Vs. State of Madhya Pradesh (AIR 2012 SC 1552)**, the Hon'ble Hon'ble Apex Court held that;

“ The law enunciated by this Court in its recent judgments, as already noticed, adds and elaborates the principles that were stated in the case of Bachan Singh and thereafter, in the case of Machhi Singh. The aforesaid judgments, primarily dissect these principles into two different compartments one being the 'aggravating circumstances' while the other being the 'mitigating circumstance'. The Court would consider the cumulative effect of both these aspects and normally, it may not be very appropriate for the Court to decide the most significant aspect of sentencing policy with reference to one of the classes under any of the following heads while completely ignoring other classes under other heads. To balance the two is the primary duty of the Court. It will be appropriate for the Court to come to a final conclusion upon balancing the exercise that would help to administer the criminal justice system better and provide an effective and meaningful reasoning by the Court as contemplated under Section 354(3) Code of Criminal Procedure.”

23] In *State of Madhya Pradesh Vs. Surendra Singh*, (AIR 2015 SC 3980), based on the theory of proportionality, it is laid down by Hon'ble Apex Court that;

“Undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law. It is the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it

was executed or committed. The sentencing courts are expected to consider all relevant facts and circumstances bearing on the question of sentence and proceed to impose a sentence commensurate with the gravity of the offence. The court must not only keep in view the rights of the victim of the crime but also the society at large while considering the imposition of appropriate punishment.

Meager sentence imposed solely on account of lapse of time without considering the degree of the offence will be counter productive in the long run and against the interest of the society. One of the prime objectives of criminal law is the imposition of adequate, just, proportionate punishment which commensurate with gravity, nature of crime and the manner in which the offence is committed. one should keep in mind the social interest and conscience of the society while considering the determinative factor of sentence with gravity of crime.

The punishment should not be so lenient that it shocks the conscience of the society. It is, therefore, solemn duty of the court to strike a proper balance while awarding the sentence as awarding lesser sentence encourages any criminal and, as a result of the same, the society suffers. Imposition of sentence must commensurate with gravity of offence”.

➤ **Benefit of Probation of Offender's Act, 1958 -**

24] The recent trend of criminal justice system is to reform the criminal rather than to punish him. In India reformatory theory of punishment reflects in section 360 of the Code of Criminal Procedure and section 3 & 4 of the Probation of Offenders Act, 1958. As per section 3 of the Probation of Offenders Act, 1958 the court may release the convict on due admonition when he is found guilty of having committed an offence punishable under section 379, 380, 381, 404 or 420 of Indian Penal Code or offence punishable with imprisonment for not more than two years, and no previous conviction is proved against him. Under section 4 of the said Act when any person is found guilty of having committed an offence not punishable with death or imprisonment for life and the court is of the opinion that it is expedient to release him on probation of good conduct, then the court may instead of sentencing him to any punishment release him on his executing bond, with or without sureties to appear and receive sentence when called upon during such period, not exceeding 3 years, and in the meantime to keep the peace and be of good behaviour. Therefore, benefit of Probation of Offenders Act should be given to convict in deserving cases.

➤ **Victimology :-**

25] Victims are unfortunately the forgotten people in the criminal justice delivery system. The criminal justice system tends to think more of the rights of the offender than that of relief to the victims. The anxiety shown to highlight the rights of the offender is not shown in enforcing law relating to compensation which too has a social purpose to serve. The Court has to take into consideration the effect of the offence on the victim's family even though human life cannot be restored, nor can its loss

be measured by the length of a prison sentence. No term of months or years imposed on the offender can reconcile the family of a deceased victim to their loss, nor will it cure their anguish but then monetary compensation will at least provide some solace.

26] Section 357 Cr.P.C. empowers the Court to award compensation to the victim(s) of the offence in respect of the loss/injury suffered. The object of the section is to meet the ends of justice in a better way. This section was enacted to reassure the victim that he is not forgotten in the criminal justice system. The amount of compensation to be awarded under Section 357 Cr.P.C. depends upon the nature of crime, extent of loss/damage suffered and the capacity of the accused to pay for which the Court has to conduct a summary inquiry. However, if the accused does not have the capacity to pay the compensation or the compensation awarded against the accused is not adequate for rehabilitation of the victim, the Court can invoke Section 357A to recommend the case to the State/District Legal Services Authority for award of compensation from the State funded Victim Compensation Fund under the Delhi Victim Compensation Scheme, 2011.

27] In National Human Right Commission versus State of Gujarat and another, (2009) 6 SUPREME COURT CASES 342, it was observed that-

“The role of victim in a criminal trial can never be lost sight of. He or she is an inseparable stakeholder in the adjudicating process. The protection is necessary so that there is no miscarriage of justice; but protection is also necessary to restore in them, a sense of human dignity.”

28] In *D.K.Basu Vs.State of West Bengal [(1997)1 SCC 416]*, it was observed that;

“55. Thus, to sum up, it is now a well accepted proposition in most of the jurisdictions, that monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the established infringement of the fundamental right to life of a citizen by the public servants and the State is vicariously liable for their acts. The claim of the citizen is based on the principle of strict liability to which the defence of sovereign immunity is not available and the citizen must receive the amount of compensation from the State, which shall have the right to be indemnified by the wrong doer. In the assessment of compensation, the emphasis has to be on the compensatory and not on punitive element. The objective is to apply balm to the wounds and not to punish the transgressor or the offender, as awarding appropriate punishment for the offence (irrespective of compensation) must be left to the criminal courts in which the offender is prosecuted, which the State, in law, is duty bound to do. The award of compensation in the public law jurisdiction is also without prejudice to any other action like civil suit for damages which is lawfully available to the victim or the heirs of the deceased victim with respect to the same matter for the tortious act committed by

the functionaries of the State. The quantum of compensation will, of course, depend upon the peculiar facts of each case and no strait jacket formula can be evolved in that behalf. The relief to redress the wrong for the established invasion of the fundamental rights of the citizen, under the public law jurisdiction is, thus, in addition to the traditional remedies and not in derogation of them. The amount of compensation as awarded by the Court and paid by the State to redress the wrong done, may in a given case, be adjusted against any amount which may be awarded to the claimant by way of damages in a civil suit.”

➤ **CONCLUSION :-**

29] *The court is expected to strike balance between too harsh and too lenient view while awarding sentence. The Judge should give thought to gravity of the offence, degree of participation of the convict in the offence and convict's subsequent attitude towards the case. While awarding any sentence a judge must visualise the effect of sentence on the offender. Generally in all cases excepting offence of immense gravity, a judge should ask himself whether he can avoid sentencing of sending offender to prison. He must keep in mind that short sentences expose an offender to all bad influences of imprisonment without enabling him to any benefit from it. In such cases the court should see whether benefit of Probation of Offenders Act, 1958 can be extended. In order to anticipate such an effect the judge must be equipped with adequate information about the offender and their statistics. Judicial visits to Jails and correction homes from time to time, is a welcome step which may enable a judge to see the actual effect of sentences passed.*

Apart from it a judge is required to have an informed outlook on life, live approach to the needs of society and ability to respond to advance intendment of legislation within the framework of law. After all the maral of the sentencing policy is -

“जे खळंची व्यंकटी सांडो, तया सत्कर्मी रती वाढो”

30] With these beautiful words of Saint Dnyaneshwar, the paper on the topic of suspension of sentence by trial court and sentencing policy is concluded.