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TITLE: FINES UNDER CRIMINAL LAW

The blog encompasses the fines as prescribed under the Indian Penal Code, 1860. The blog also expounds upon various types of fine, the rationality behind the prescribed punishment and the critical analysis of the same.

Written By:

BHUVNESH KUMAR,

Intern, Sejpal Associates Advocates

Semester- IVth

University- National Law University, Jodhpur B.A., L.L.B (Hons.)

FINES UNDER CRIMINAL LAW

Introduction

According to the definition given in the Oxford Dictionary, Fine Means, “A sum of money exacted as a punishment by a court of law or other authority”. The court may impose a fine as a sole penalty, as an alternative to or in addition to jail. In each case, the court must decide whether a sentence of jail, a fine, or both should be imposed as provided in particular offence. **Section 53 of the Indian Penal Code, 1860**, specifies the forms of punishments that may be imposed on a person who has committed an offence punishable under the IPC, with fines being one of the punishments. Section 63 to 69 covers fines beneath the IPC. If a person fails to pay a fine, the court may decide that he be imprisoned, according to section **64 of the IPC**.

Provisions for Levying and Collection of Fines

According to **Section 63 of the IPC**, when the sum is not indicated under the requirements of the Code, the amount of fine to which the offender is due is unlimited, although the fine must not be exorbitant.

In **Palaniappa Gounder v. State of Tamil Nadu**¹, the Supreme Court stated that the Court's sentence must be appropriate to the nature of the offence, which includes a fine. Furthermore, the penalty must not be excessive.

When an offender is sentenced to imprisonment and a punishment for failing to pay a fine, the Court must restrict the sentence, according to **Section 65 of the IPC**. The maximum time of imprisonment shall not exceed one-fourth of the maximum period of imprisonment for the specific offense.

Section 67 of the IPC says that, “If the offence is punishable only by fine, [the imprisonment which the Court imposes in default of payment of the fine shall be simple, and] the term for which the Court directs the offender to be imprisoned, in default of payment of the fine, shall not exceed the following scale, that is, for any term not exceeding two months when the amount of the fine does not exceed fifty rupees, and for any term not exceeding four months when the amount of the fine does not exceed fifty rupees”.

Section 29 of CrPC talks about the limit on fines that can be imposed by the Magistrate. The Court of a Magistrate of the first class may pass a sentence of imprisonment for a term not

¹ Palaniappa Gounder v. State Of Tamil Nadu, 1977 AIR 1323.

exceeding three years, or of fine not exceeding ten thousand rupees, or of both whereas The Court of Magistrate of the second class may pass a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding five thousand rupees, or of both.

Fine is the only punishment for some offences including :

- **Section 171(G)**- False statement in connection with the election.
- **Section 171 (I)**- Failure to keep election accounts.
- **Section 171 (H)**- Illegal payments in connection with the election.

The Court, after pronouncing the sentence, can adopt one of two actions to recover the fine under **Section 421 of the Cr.P.C.**-

- The court can issue a warrant to levy the sum by attaching and selling the offender's movable property; or
- Can issue a warrant to the District Collector at the offender's residence authorizing him to seize money from immovable property, movable property, or both.
- Provided, however, that such steps will not be ordered by the Court if the offender has already been imprisoned for failing to pay the fine. Furthermore, if the court makes such an order after the criminal has been imprisoned, the court must disclose special reasons for doing so.

In the Case of **Shahejadhkhan Maheubkhan Pathan v. State of Gujarat**² the Court held that, “Where a substantial term of imprisonment is inflicted an excessive fine should not be imposed except in exceptional cases”.

Various Types of Fines Under IPC

Fines that are subject to a maximum limit

The concept of punishments is based on the principle of deterrence, and Section 510 of the IPC increases the maximum fine to Rs. 10 if a person is intoxicated and misbehaves in public. The maximum penalties that a Court can impose on a person who commits a crime that is claimed to risk life and public safety is Rs 250.

Fines that don't have a Fixed Amount

² Shahejadhkhan Maheubkhan Pathan v. State of Gujarat (2013) 1 SCC 570.

In some cases, the IPC grants judge's discretion in assessing whether or not a fine is warranted as a form of punishment. The term "imprisonment or fine or both" is completely dependent on the sitting judge's wisdom, leniency, and harshness.

The case of **Arun Garg v State of Punjab**³ demonstrates this point. This is a case involving dowry death. A fine of Rs. 2000 was imposed by the session court in addition to the incarceration sentence. The sum was enhanced to Rs. 200000 by the High Court judge. The total amount of the fine was set aside by the supreme court on appeal.

Fine as an alternative to Imprisonment

The phrase "imprisonment or fine or both" is at the discretion of the presiding judge, as stated above. The word 'or' is a good substitute for jail. This phrase cannot be used to describe crimes such as culpable homicide.

In the case of **Allanoor v. State of Madhya Pradesh**⁴, the accused was charged with attempting to murder under section 307 of the Indian Penal Code. The Madhya Pradesh High Court reduced the sentence to three years, less than half of the original punishment, and levied a 10,000 fine. In the case of **Jitendra v State of MP**⁵, the court decreased the sentence to one month and increased the punishment to Rs 5000 when faced with a case of rash driving and death by negligence under section 304 A of the IPC. In **Vasanti Singh v State of Maharashtra**⁶, the court reduced the sentence to one day and increased the fine to Rs 10,000 in a case of corruption.

Problems with the Quantum of Fines under IPC

Because the criminal "deserves" the punishment based on the crime he committed, the fine imposed achieves its retributive aim only if the greed (benefit gained by the offender) involved in the offense is equal to the amount of fine stipulated in the IPC. Unfortunately, fines as low as Rs. 10, 100, 200, or 500 do not satisfy any of the penological purposes in today's reality. A monetary penalty of Rs. 10 will not discourage a drunken individual from engaging in public misbehaviour. Making counterfeit stamps is penalised by a maximum fine of Rs. 200, which, rather than being deterrent or retributive, is more of a handy and facilitative type of punishment. The fact that the maximum punishment for an act "endangering life and public safety" is Rs.

³ Arun Garg v State of Punjab, (2004) 8 SCC 251.

⁴ Allanoor v. State of Madhya Pradesh.

⁵ Jitendra v State of MP, Appeal (crl.) 1318-1319 of 2002.

⁶ Vasanti Singh v State of Maharashtra.

250 is more of a mockery of the gravity of the offense than a penological measure. It should either be deleted or revised when the amount of fine indicated becomes nothing more than a colonial hangover.

The lack of sentencing deadlines, whether for imposing imprisonment or a fine as a penalty, is a fundamental problem in the Indian criminal justice system. Various investigations, such as the **Malimath Committee (2003)** and the **Madhav Menon Committee (2008)**, as well as case laws, have repeatedly emphasized the urgent need for substantial and precise rules that offer a basis for judges to make decisions. It leads to unnecessary uncertainty and indiscriminate imposition of jail and fines in the absence of such established sentencing guidelines. When examining the legislative drafting of the IPC, it becomes clear that the punishments indicated have a wide range of flexibility, with constraints on the highest and, at times, the lowest punishment.

Conclusion

India's criminal justice system is in desperate need of change. Fines are an appealing tool to punish specific offences; nevertheless, without a solid structure and criteria, they lead to deficiencies and inconsistencies in punishments. The IPC should be amended to enhance the number of fines, taking into account the country's current economic situation.

Certain sentencing standards for the application of fines should be created, with criteria such as calculable loss, restoration amount, offender wealth, and administrative costs being used to determine the amount of fine.

The laws that provide for a fine as an alternative to jail should be modified as soon as possible so that there is no severe breach of criminal justice principles when imprisonment is required. Even if this is justifiable for minor acts, it should be amended for serious crimes like culpable homicide and death through negligence.