

# A Critical Study on Theories and Principles of Punishment in India

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**Abstract:** *The term sentence refers to response of the criminal justice system to commission of crime. Despite the fact that all the persons convicted of a particular offence are proved to have been guilty of the commission of such act that constitute the said offence however, as the character, background of offender, socio-economic circumstances, enormity, modus operandi, motive and reasons behind commission of the same offence by different persons vary therefore the response with regard to different offenders must also vary. For instance, persons may commit an offence under social compulsions or under pressure of poverty or on account of retributive instinct or greed, lust, aggressive nature or in a sudden rage or anger, variation in all these circumstances necessitate variation in sentence. Secondly, the response of any particular system to crime depends on the purpose it seeks to achieve through such a response. The justifications for different responses may be found in the theories of punishment propounded by penologists. Thirdly, the principles governing the process of sentencing in any criminal justice system also reflect how the system strives to strike a fine balance between the conflicting rights of victim and the society on one hand and the rights of the offenders on the other. In order to ensure such balancing at the practical level, the systems vest the courts with certain degree of discretion in deciding what would be an appropriate sentence in a particular case. The punishment does not only involve the physical pain but it is also carries with it the mental anguish and loss of social reputation. It may also bring the loss of certain civil rights. In hedonistic sense whatever kind of punishment, the offender has to bear some sort of pain.*

**Keywords:** Punishment, Sentence, Imprisonment, Penalty, Guilty, Offender