

Army Act, 1950

Chapter XIV - Pardons, Remissions and Suspensions

When any person subject to this Act has been convicted by a court-martial of any offence, the Central Government or ¹[the Chief of the Army Staff] or, in the case of a sentence, which he could have confirmed or which did not require confirmation, the officer commanding the army, army corps, division or independent brigade in which such person at the time of conviction was serving, or the prescribed officer may--

- (a) either with or without conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded; or
- (b) mitigate the punishment awarded; or
- (c) commute such punishment for any less punishment or punishments mentioned in this Act:

Provided that a sentence of transportation² shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court; or

- (d) either with or without conditions which the person sentenced accepts, release the person on parole.

1 . Substituted by Act 19 of 1955 , sec. 2 and Sch., for "the Commander-in-Chief".

2. See. IPC See 53 A.

Section 180 - Cancellation of conditional pardon, release on parole or remission

(1) If any condition on which a person has been pardoned or released on parole or a punishment has been remitted is, in the opinion of the authority which granted the pardon, release or remission, not fulfilled, such authority may cancel the pardon, release or remission, and thereupon the sentence of the court shall be carried into effect as if such pardon, release or remission had not been granted.

(2) A person whose sentence of transportation* or imprisonment is carried into effect under the provisions of sub-section (1) shall undergo only the unexpired portion of his sentence.

Section 181 - Reduction of warrant officer or non-commissioned officer

When under the provisions of section 77, a warrant officer or a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purpose of section 179, be treated as a punishment awarded by a sentence of a court-martial.

Section 182 - Suspension of sentence of transportation or imprisonment

182 . Suspension of sentence of transportation¹ or imprisonment

(1) Where a person subject to this Act is sentenced by a court-martial to transportation or imprisonment, the Central Government,²[the Chief of the Army Staff] or any officer empowered to

convene a general or a summary general court-martial, may suspend the sentence whether or not the offender has already been committed to prison or to military custody.

(2) The authority or officer specified in sub-section (1) may, in the case of an offender so sentenced direct that, until the orders of such authority or officer have been obtained the offender shall not be committed to prison or to military custody.

(3) The powers conferred by sub-sections (1) and (2) may be exercised in the case of any such sentence which has been confirmed, reduced or commuted.

1. See. IPC Sec. 53 A.

2. Substituted b y Act 19 of 1955 , sec. 2 and Sch., for "the Commander-in-Chief".

Section 183 - Orders pending suspension

(1) Where the sentence referred to in section 182 is imposed by a court-martial other than a summary court-martial, the confirming officer may, when confirming the sentence, direct that the offender be not committed to prison or to military custody until the orders of the authority or officer specified in section 182 have been obtained.

(2) Where a sentence of imprisonment is imposed by a summary court-martial, the officer holding the trial or the officer authorised to approve of the sentence under sub-section (2) of section 161, may make the direction referred to in sub-section (1).

Section 184 - Release on suspension

Where a sentence is suspended under section 182, the offender shall forthwith be released from custody.

Section 185 - Computation of period of suspension

Any period during which the sentence is under suspension shall be reckoned as part of the term of such sentence.

Section 186 - Order after suspension

The authority or officer specified in section 182 may, at any time while a sentence is suspended, order--

- (a) that the offender be committed to undergo the unexpired portion of the sentence, or
 - (b) that the sentence be remitted.
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Section 187 - Reconsideration of case after suspension

(1) Where a sentence has been suspended, the case may at any time, and shall at intervals of not more than four months, be reconsidered by the authority or officer specified in section 182, or by any general or other officer not below the rank of field officer duly authorised by the authority or officer specified in section 182.

(2) Where on such reconsideration by the officer so authorised it appears to him that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, he shall refer

the matter to the authority or officer specified in section 182.

Section 188 - Fresh sentence after suspension

Where an offender, while a sentence on him is suspended under this Act, is sentenced for any other offence, then--

- (a) if the further sentence is also suspended under this Act, the two sentences shall run concurrently;
- (b) if the further sentence is for a period of three months or more and is not suspended under this Act, the offender shall also be committed to prison or military custody for the unexpired portion of the previous sentence, but both sentences shall run concurrently; and
- (c) if the further sentence is for a period of less than three months and is not suspended under this Act, the offender shall be so committed on that sentence only, and the previous sentence shall, subject to any order which may be passed under section 186 or section 187, continue to be suspended.

Section 189 - Scope of power of suspension

The powers conferred by sections 182 and 186 shall be in addition to and not in derogation of the power of mitigation, remission and commutation.

Section 190 - Effect of suspension and remission on dismissal.

- (1) Where in addition to any other sentence the punishment of dismissal has been awarded by a court-martial, and such other sentence is suspended under section 182, then, such dismissal shall not take effect until so ordered by the authority or officer specified in section 182.
- (2) If such other sentence is remitted under section 186, the punishment of dismissal shall also be remitted.