

Air Force 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,¹[the Chief of the Air Staff], an air or other officer commanding a group 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 transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court; and a sentence of imprisonment shall not be commuted for a sentence of detention for a term exceeding the term of imprisonment so awarded;

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

1. Substituted for the words "the Commander-in-Chief" by the Commanders-in-Chief (Change in Designation) Act, (19 of 1955), S. 2 and Sch. (7-5-1955).

Section 178 - 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, imprisonment or detention is carried into effect under the provisions of sub-section (1), shall undergo only the unexpired portion of his sentence.

Section 179 - Reduction of warrant officer or non-commissioned officer

When under the provisions of section 79 a warrant officer or a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purpose of section 177, be treated as a punishment awarded by a sentence of a court-martial.

Section 180 - Suspension of sentence of transportation, imprisonment or detention

(1) Where a person subject to this Act is sentenced by a court-martial to transportation, imprisonment or detention, the Central Government,¹[the Chief of the Air 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 air force 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 air force 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. Substituted for the words "the Commander-in-Chief" by the Commanders-in-Chief (Change in Designation) Act, (19 of 1955), S. 2 and Sch. (7-5-1955).

Section 181 - Orders pending suspension

A confirming officer may, when confirming any sentence referred to in section 180, direct that the offender be not committed to prison or to air force custody until the orders of the authority or officer specified in section 180 have been obtained.

Section 182 - Release on suspension

Where a sentence is suspended under section 180, the offender shall forthwith be released from custody.

Section 183 - 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 184 - Order after suspension

The authority or officer specified in section 180, 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 185 - 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 180, or by any air or other officer not below the rank of squadron leader duly authorised by the authority or officer specified in section 180.

(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 180.

Section 186 - 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 air force 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 184 or section 185, continue to be suspended.

Section 187 - Scope of power of suspension

The powers conferred by sections 180 and 184 shall be in addition to and not in derogation of, the power of mitigation, remission and commutation.

Section 188 - 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 180, then, such dismissal shall not take effect until so ordered by the authority or officer specified in section 180.

(2) If such other sentence is remitted under section 184, the punishment of dismissal shall also be remitted.