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Case Comment: State of Madhya Pradesh v. Surendra Singh – A Sentencing Perspective under the New Criminal Laws

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Abstract

The Supreme Court of India's decision in State of Madhya Pradesh v. Surendra Singh (2015) is a significant pronouncement on the scope of judicial discretion in sentencing and its potential to undermine justice if misapplied. The absence of codified sentencing guidelines in India creates wide variations in punishments for similar offences, often eroding public faith in the fairness of the criminal justice system. In comparison to the United States and the United Kingdom, India's criminal court system lacks a clear and strict sentencing policy. There is not only a need to consider the revengeful attitude of the victim, but also, with time, going beyond punishment and reforming the accused should be reflected in sentencing decisions. The replacement of India's colonial-era criminal codes—the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and Indian Evidence Act (IEA) with the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA) represents a major legislative reform. While the structural changes are significant, the foundational principles of criminal liability, procedure, and evidence remain largely intact. This commentary revisits State of Madhya Pradesh v. Surendra Singh (2015), a case of rash and negligent driving causing death, through the lens of the new statutes. It examines how the offences, procedural safeguards, and evidentiary standards translate under the new laws, and whether the reforms meaningfully address the problem of sentencing disparity. The Supreme Court's insistence on proportionate punishment in this case is as relevant under the BNS-BNSS-BSA regime as it was under the earlier IPC-CrPC-IEA framework. The analysis concludes that without structured sentencing guidelines, judicial discretion will continue to pose challenges to consistency and fairness.

Keywords: *Aggravating Factors, Mitigating Factors, Reformative Theory, Sentencing Guidelines*

1.0 Introduction

The delivery of justice in criminal cases is not confined to determining guilt or innocence; it extends to the equally critical stage of sentencing. Sentencing serves as the mechanism through which courts translate the law's abstract principles into concrete consequences for offenders. It is, in effect, a moral statement by the state, communicating the value placed on public safety, individual rights, and the rule of law. The imposition of a sentence thus performs multiple functions. It punishes, deters, rehabilitates, and symbolically reaffirms societal norms (Ashworth, 2015).

In India, sentencing has historically been governed by the IPC, 1860, for substantive offences, the CrPC, 1973, for procedural rules, and the IEA, 1872, for evidentiary standards. While these statutes were foundational, they were also products of a colonial legal framework, drafted in the 19th century for a very different social and political context. Over the decades, critics pointed out that their language had become outdated, certain procedural provisions were inefficient, and the system as a whole had not kept pace with evolving concepts of victim rights, restorative justice, and proportional sentencing (Bedi, 2019; Sharma, 2020).

The enactment of the Bharatiya Nyaya Sanhita, 2023 (BNS), Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and Bharatiya Sakshya Adhiniyam, 2023 (BSA) represents the most significant overhaul of India's criminal law in more than 150 years. These new laws replace the IPC, CrPC, and IEA, respectively. While much of the substantive law remains recognisable, the reforms aim to modernise legal language, remove obsolete provisions, and introduce procedural mechanisms to improve efficiency. The BNS consolidates offences and, in some cases, reorganises penalties; the BNSS streamlines processes for investigation, trial, and appeal; and the BSA updates evidence law with technology-oriented provisions while retaining the principles of proof and relevancy established under the IEA (Government of India, 2023a, 2023b, 2023c).

Despite these changes, the fundamental structure of criminal liability and procedure remains. For example, the offence of causing death by negligence under Section 304-A IPC is now Section 106(1) of the BNS, with nearly identical wording and penalty provisions. Likewise, rash driving (IPC S. 279 → BNS S. 281) and causing hurt by endangering life (IPC S. 337 → BNS S. 125) continue to be framed in similar terms. Procedurally, the registration of an FIR—once governed by Section 154 CrPC—is now set out in Section 173 of the BNSS, and the revisional jurisdiction of higher courts—earlier in Section 401 CrPC—is now in Section 430 BNSS. From an evidentiary standpoint, the principles applied in road accident cases, such as the admissibility of medical reports or the weight given to eyewitness testimony, are preserved in the BSA (Sections 57, 59, 61), which correspond to provisions of the IEA.

The *State of Madhya Pradesh v. Surendra Singh* decision is an ideal case to explore these continuities and changes. The incident involved rash and negligent driving, resulting in the death of an individual, leading to prosecution under the old IPC. The trial court imposed a custodial sentence, the appellate court upheld it, but the High Court reduced it to the period already served, effectively replacing the deterrent and retributive components with a nominal compensation order. On further appeal, the Supreme Court restored the original sentence, emphasising that undue leniency could undermine the credibility of the criminal justice system.

This case is particularly relevant in the new legal landscape because, despite the structural reforms, India still lacks a codified sentencing policy. Under both the old and new statutes, courts retain wide discretion to determine the quantum of punishment within statutory limits. In practice, this means that two offenders convicted of identical offences, under similar circumstances, could receive markedly different sentences, depending on the individual judge's approach. Such disparity can erode the principle of equality before law enshrined in Article 14 of the Constitution and undermine public faith in judicial impartiality (Bedi, 2019).

Comparatively, other jurisdictions have addressed this issue through statutory or judicially developed sentencing guidelines. In the United Kingdom, for instance, the Sentencing Council issues detailed offence-specific guidelines, which courts must follow unless there are exceptional reasons to deviate. These guidelines consider aggravating and mitigating factors, offender culpability, harm caused, and the need for deterrence. Similarly, in the United States, the Federal Sentencing Guidelines provide structured sentencing ranges, with room for judicial discretion but within a well-defined framework (Tonry, 2019). In India, by contrast, the absence of such a framework leaves proportionality largely to the subjective evaluation of the presiding judge.

The *Surendra Singh* decision thus serves as a reminder that, even under the BNS-BNSS-BSA regime, sentencing remains as much an art as it is a science. The statutory changes may improve procedural efficiency, but they do not directly address the risk of inconsistent sentencing outcomes. This case also highlights the importance of considering **victim rights,** now given greater prominence under the BNSS through expanded compensation provisions (Sections 479–480)and the role of sentencing in maintaining public confidence in the justice system.

Ultimately, the question this case raises for the new criminal law framework is whether India will move towards structured sentencing that balances discretion with consistency, or whether the system will continue to rely primarily on appellate oversight, as happened when the Supreme Court intervened to restore the trial court's sentence in *Surendra Singh*. Without such structural reforms, the principles reaffirmed in this case will remain dependent on individual judicial philosophy rather than embedded in statutory mandate.

2.0 Facts of the Case

The events began when a ward boy at Sabalgarh Hospital reported a fatal jeep accident that killed Vijay Singh.

Investigation established that the accused, Surendra Singh, drove the jeep in a rash and negligent manner, directly causing the death. Under the old IPC, this conduct attracted charges under Sections 279, 337, and 304-A; today, the same acts would be prosecuted under Sections 281, 125, and 106(1) BNS.

The Judicial Magistrate First Class convicted Singh and sentenced him to six months' imprisonment for rash driving and two years for causing death by negligence, along with a ₹2,500 fine. These sentences were imposed within the limits prescribed by the IPC and, under BNS, remain identical in range.

On appeal, the Additional Sessions Judge upheld both the conviction and the sentence. Singh then sought revision before the High Court, which maintained the conviction but reduced the sentence to the time already served, adding only ₹2,000 in additional compensation to the victim's family. This revisionary reduction, permissible under CrPC Section 401 (now BNSS Section 430), became the focal point of the dispute.

The state of Madhya Pradesh challenged the reduction before the Supreme Court, arguing that the High Court's leniency failed to reflect the seriousness of the offence and exceeded the proper limits of revisional jurisdiction.

3.0 Criminological Theories Applicable

The *Surendra Singh* judgment, when analysed from a criminological standpoint, offers a clear view of how Indian courts often navigate between competing theories of punishment. These theories, retributive, deterrent, reformative, and victim-focused, continue to shape sentencing under the BNS, 2023 and the BNSS, 2023. In reinstating the trial court's original sentence, the Supreme Court appears to have consciously sought a balance between these principles in pursuit of the broader goals of the criminal justice system.

From the retributive perspective, punishment is justified because the offender has caused harm and deserves a penalty proportionate to that harm, not merely as a means to some other end. In *Surendra Singh*, the accused's rash and negligent driving caused the irreversible loss of human life. Section 106(1) BNS (previously Section 304-A IPC) prescribes penalties that express society's moral disapproval of such acts. By restoring the original custodial sentence, the Court affirmed that justice demands a proportionate response to the wrongdoing, independent of the offender's personal situation.

The deterrence model operating on both general and specific levels was also central to the Court's approach. General deterrence aims to dissuade others from committing similar offences, while specific deterrence seeks to prevent the convicted individual from repeating the behaviour. Given India's high incidence of road fatalities, many caused by negligent driving (Ahuja, 2016), reducing the sentence to "time served" could risk projecting leniency and weakening road safety norms. The Supreme Court's decision reinforces the idea that meaningful custodial terms are necessary to convey the seriousness of such offences and discourage reckless behaviour.

Alongside these punitive approaches, Indian sentencing policy also recognises the reformative ideal, viewing offenders as shaped by social and environmental factors, and focusing on rehabilitation (Singh, 2021). The BNSS provides mechanisms such as probation (Section 401) and plea bargaining (Chapter XXII) to support this philosophy. However, the Court in *Surendra Singh* implicitly acknowledged that reform cannot override the need for accountability, especially when the offence results in death. Rehabilitation efforts must therefore operate alongside proportionate punishment to sustain public trust in the legal process.

The case further reflects the growing prominence of victimology in Indian criminal law. Historically, victims were seen mainly as witnesses, with minimal procedural rights. Legislative changes, beginning with the 2008 CrPC amendments and continuing under the BNSS (Sections 479–480), have expanded victims' rights to compensation and greater participation. In *Surendra Singh*, the Court's stance recognised that sentencing must also validate the harm suffered by victims and their families. A purely reformative or compensatory outcome, without sufficient punitive weight, could erode both the victim's sense of justice and community confidence in the justice system (Sharma, 2020).

Ultimately, the Court's reasoning reflects the integrated or "mixed" theory of punishment, which seeks to combine retribution, deterrence, and reform in a single sentencing philosophy. This pragmatic approach allows sentences to be shaped by the seriousness of the offence, the offender's circumstances, and the public interest. In *Surendra Singh*,

this translated into a punishment that avoided extremes, neither excessively severe nor unduly lenient, while aiming to punish the wrongdoing, discourage similar acts, and still leave room for rehabilitation.

4.0 Judgement

The Supreme Court's ruling in *State of Madhya Pradesh v. Surendra Singh* serves as a clear reaffirmation of proportionality as a cornerstone of sentencing under Indian criminal law. The case came before the Court after the State challenged the High Court's decision to significantly reduce the custodial sentence imposed by the trial court and confirmed by the appellate court. The High Court had reduced the imprisonment to the period already undergone, requiring only the payment of an additional ₹2,000 in compensation to the victim's family. While compensation is an important element of restorative justice, the Supreme Court stressed that it cannot be used as a substitute for adequate punitive measures when the offence involves loss of life.

The Court carefully examined the scope of revisional jurisdiction earlier under Section 401 of the CrPC, now codified in Section 430 of the BNSS, emphasising that such powers should be exercised sparingly and should not disturb concurrent findings of fact and sentence unless there is a clear miscarriage of justice. In the Court's view, the High Court's intervention lacked adequate justification and, by reducing the sentence without considering the gravity of the offence, undermined the objectives of criminal law.

In restoring the trial court's sentence, the Supreme Court relied on established precedent to frame its reasoning. It cited *Dhananjoy Chatterjee v. State of West Bengal* (1994), where it was held that undue leniency in sentencing can erode public faith in the law and weaken its deterrent effect. The Court also referred to *Sevaka Perumal v. State of Tamil Nadu* (1991), which affirmed that sentences must be proportionate to the nature and seriousness of the offence, and *Shailesh Jasvantbhai v. State of Gujarat* (2006), where the Court highlighted the need to consider societal conscience and the broader public interest in sentencing decisions.

The judgment underscores that the function of sentencing extends beyond addressing the individual offender; it also serves to signal the justice system's responsiveness to public expectations and to protect the integrity of the law. In negligence cases causing death, whether prosecuted under **Section 304-A IPC** or its current equivalent, **Section 106(1) BNS**, the Court made it clear that mere nominal punishment cannot reflect the seriousness of the harm caused. The ruling thereby reinforces the idea that sentencing must address both the wrong committed and its impact on victims and society at large (Sharma, 2020).

5.0 Obiter Dicta

In *State of Madhya Pradesh v. Surendra Singh*, the Supreme Court issued a cautionary note that extends beyond the facts of the case: "*Undue sympathy by imposing inadequate sentences would do more harm to the justice system, to undermine the public confidence in the efficacy of law, and the society cannot endure long under such serious threats.*" This observation captures a fundamental principle of criminal justice—that sentencing must balance compassion with the need to uphold the credibility of the legal system. Excessive leniency in serious offences, such as negligent acts resulting in death under Section 106(1) BNS (formerly Section 304-A IPC), risks eroding deterrence and diminishing the value placed on human life.

The Court's dicta also reinforces the importance of proportionality, urging that punishment reflect the gravity of the offence, its impact on victims, and broader societal expectations. While the new **BNS-BNSS-BSA** framework modernises criminal law and enhances victim rights, it leaves sentencing largely to judicial discretion. The obiter thus serves as guidance for future courts: flexibility in sentencing must operate within boundaries that preserve justice, maintain public confidence, and ensure that legal outcomes resonate with the community's sense of fairness (Sharma, 2020).

6.0 Case Analysis

The Supreme Court's reasoning in *State of Madhya Pradesh v. Surendra Singh* reveals the centrality of the principle of proportionality in sentencing under Indian criminal law. While not expressly codified in the Bharatiya Nyaya Sanhita, 2023 (BNS), proportionality finds indirect statutory expression in the structured maximum and minimum penalties for specific offences. These legislative limits are designed to give judges discretion

while ensuring that punishments remain tethered to the seriousness of the offence. The Court cautioned that sentencing must be guided by three interrelated factors: the gravity of the offence, the circumstances in which it was committed, and the consequences that followed. This framework not only aligns with established constitutional principles under Articles 14 and 21 but also mirrors proportionality doctrines recognised in comparative jurisdictions (Ashworth, 2015).

In articulating this position, the Court drew support from prior rulings that collectively underscore the dangers of disproportionate sentencing. In *Dhananjoy Chatterjee v. State of West Bengal* (1994), the Court warned that undue leniency erodes public faith in the justice system and diminishes the deterrent effect of criminal sanctions. Similarly, in *Sevaka Perumal v. State of Tamil Nadu* (1991), it was emphasised that sentencing must correspond to the seriousness of the crime, not merely the personal circumstances of the offender. In *Shailesh Jasvantbhai v. State of Gujarat* (2006), the Court broadened the proportionality discourse by noting that societal conscience must be a guiding factor in determining appropriate punishment. These precedents, when applied to *Surendra Singh*, supported the view that the High Court's sentence reduction ignored the severity of the harm, loss of human life due to rash and negligent driving, and thus failed the proportionality test.

The Court's approach also resonates with Lawrence Friedman's observation in *Law in a Changing Society* that "the state of criminal law continues to be as it should be, a decisive reflection of social consciousness" (Friedman, 1977, p. 115). This theoretical perspective underscores the dynamic role of sentencing as both a reflection and a shaper of societal values. By reinstating the trial court's sentence, the Supreme Court signalled that negligent driving resulting in death warrants meaningful custodial punishment, both to express collective condemnation and to deter future offences. Under the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), procedural reforms such as expedited trials and enhanced victim participation aim to strengthen public trust, but as the Court implicitly acknowledged, these goals must be matched by sentencing outcomes perceived as fair, consistent, and just.

From a policy standpoint, the decision functions as a cautionary note to future courts: leniency that fails to account for the seriousness of the offence risks creating a perception of impunity. This warning is especially relevant to road safety offences prosecuted under Sections 281 and 106(1) BNS, where the societal cost of negligence is high. India's persistently high rates of traffic fatalities make it imperative that sentencing in such cases reinforces public safety norms and deters reckless conduct. In this context, the Supreme Court's emphasis on proportionality serves as a bridge between legal doctrine and real-world consequences, ensuring that sentencing decisions are not just legally sound but socially meaningful.

Moreover, the *Surendra Singh* case indirectly raises the question of whether India should move towards codified sentencing guidelines. The absence of such a framework means that consistency is maintained largely through appellate correction rather than preventive standardisation. While the BNS modernises statutory language and the BNSS strengthens procedural safeguards, neither statute prescribes structured sentencing criteria beyond offence-specific penalty ranges. The Court's reasoning in *Surendra Singh*—rooted in proportionality and societal conscience—could form part of the foundation for such future guidelines, ensuring that judicial discretion remains both flexible and principled.

In sum, the case illustrates that under both the old IPC–CrPC–IEA regime and the new BNS–BNSS–BSA framework, proportionality is a guiding, if uncodified, principle of sentencing. The decision reflects an integrated approach, blending retributive, deterrent, and victim-centred considerations while resisting the temptation to prioritise reformative ideals at the expense of accountability. By drawing on established precedents and situating its reasoning within broader societal concerns, the Supreme Court reinforced the idea that justice in sentencing requires not only fairness to the accused but also fidelity to the expectations and safety of the community at large.

7.0 Conclusion

The *State of Madhya Pradesh v. Surendra Singh* judgment reaffirms proportionality as a central, though uncodified, principle of Indian sentencing. By restoring the trial court's sentence, the Supreme Court underscored that undue leniency in serious offences such as negligent driving causing death undermines deterrence, victim justice, and public confidence in law. Under the new **BNS–BNSS–BSA** framework, the substantive and procedural foundations

remain similar, meaning the case's reasoning is directly transferable. While legislative reforms have modernised language and enhanced victim rights, the absence of structured sentencing guidelines continues to leave outcomes vulnerable to inconsistency. This decision thus stands as both a corrective in its own right and a broader guide for ensuring that judicial discretion operates within principled and socially responsive boundaries.

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