

**IN THE COURT OF SH. AMITABH RAWAT,  
ADDITIONAL SESSIONS JUDGE-03  
(SHAHDARA), KARKARDOOMA COURT, DELHI**

<b>CNR No.</b>	<b><u>SH01-002176-2021</u></b>
<b>FIR No.</b>	<b>: 51/2020</b>
<b>Under Section</b>	<b>: 147/148/149/186/188/307/353/216 IPC &amp; 25/27 Arms Act</b>
<b>Police Station</b>	<b>: Jafrabad</b>
<b>Sessions Case No.</b>	<b>: 103-2021</b>

**STATE**

**V E R S U S**

**KALEEM AHMED**

S/o Sh. Anwar

R/o H.No. 454, Bisatiyan, Khurgaan Road,  
Kairana, Shamli U.P.

Dated : 17.12.2021

**ORDER ON SENTENCE**

1. Arguments on the point of quantum of sentence qua Convict Kaleem Ahmed were heard on behalf of both prosecution and convict.
2. Sh. Anju Handa, Ld. Special Public Prosecutor for State had submitted that convict Kaleem Ahmed is convicted for the offence under

Section 216 IPC and maximum imprisonment of three years can be given. He has prayed for maximum sentence of three years imprisonment. He further argued that convict Kaleem Ahmed has already been in custody for more than one and a half years. He has filed an affidavit as per directions of Hon'ble Full Bench of Hon'ble High Court of Delhi passed in Karan Vs. State NCT of Delhi, CrI. A. 352/2020. It was argued that though the said judgment is not applicable as there is no victim in the present case qua convict and his offence, yet he has filed an affidavit disclosing expenses incurred by the prosecution in the present entire case involving accused persons namely Shahrukh Pathan @ Khan, Kaleem Ahmad (convict), Ishtiyak Malik @ Guddu, Shamim and Abdul Shehzad.

3. Sh. Bilal Khan, Ld. Counsel for convict Kaleem Ahmed had submitted that the convict is a poor person of 29 years of age. He has 09 dependents i.e. 05 younger sisters and 02 brothers and his both parents. His father is suffering from paralysis and he is the only earning member in the family. He is a motor mechanic by profession. He has been in custody for more than one and a half years. Convict had submitted that he was misled by accused Shahrukh Pathan. It is prayed that a lenient view may be taken in awarding sentence to the convict.

4. (a) This is the first case of sentence on riots. The present case pertains to the offence of rioting, defiance of the order under Section 144 Cr.P.C, and attempt of murder of Head Constable Deepak Dahiya by firing on him.

The main accused is Shahrukh Pathan who had fired at HC Deepak Dahiya. The other accused persons were part of the riotous mob.

(b) However, the role of the convict Kaleem Ahmed is not that of participation in the riots but of providing/harboring accused Shahrukh Pathan @ Khan who had absconded after the incident.

(c) The convict Kaleem Ahmed is a convict under Section 216 IPC. Thus, as far as the offence under Section 216 IPC qua convict Kaleem Ahmed is concerned, there is no individual victim in the matter. The cost of the prosecution submitted by the Ld. Special Public Prosecutor is in respect of the entire present case by all accused persons namely Shahrukh Pathan @ Khan, Ishtiyak Malik @ Guddu, Shamim and Abdul Shehzad.

(d) Sentencing any convict involves deliberations of mitigating and aggravating factors qua the crime that he commits and qua the status of the convict.

(e) The status of the family of the convict, father of convict suffering from paralysis and there being 09 other dependents in the family, is not disputed as such by the prosecution. Convict is stated to be the only one in the family providing financial subsistence to the family.

(f) The Court, indubitably, regards the action/conduct of the convict

Kaleem Ahmed as reprehensible and indictable. The investigation and evidence collected by Crime Branch, Delhi Police, so far as convict is concerned, is praise worthy. That might have led to a voluntary plea of guilt by convict. Still the Court is conscious of the fact that convict has voluntarily pleaded guilty at the time of framing of charges.

(g) Convict Kaleem Ahmed has shown remorse in the Court and prayed for leniency and pleaded having been misled by accused Shahrukh Pathan. He has suffered imprisonment in the present matter from 17.03.2020 till 07.09.2021 while maximum sentence that can be awarded is three years.

(h) Considering family status of convict, his whole individual position, the factum of his voluntary plea of guilt and the fact that his apparent act of contrition deserves to be taken at face value to give another chance to him to reform himself and considering his role and the offence, the convict is sentenced to the period already undergone by him and also to a fine of Rs. 2,000/-, in default of payment of fine, simple imprisonment of one month. Benefit of Section 428 Cr.P.C be given to the convict Kaleem Ahmed.

Convict has paid the fine of Rs. 2000/- vide Receipt No. 0152917 dated 17.12.2021.

5. A copy of the judgment and that of order on sentence be supplied to convict free of cost forthwith.

Copy of this order be also sent to Worthy Commissioner of Police, Delhi and Special Commissioner of Police (Crime), Delhi.

Announced in the open court  
today i.e. 17.12.2021

**(Amitabh Rawat)**  
**Additional Sessions Judge-03 (Shahdara)**  
**Karkardooma Courts, Delhi**