

SC 244/2022
STATE Vs. ASIF
FIR No. 318/2022 (Khajuri Khas)

11.05.2026

Present: Sh. Abhishek Pandey, Ld. Addl. PP for the State.
All the convicts in person with Ld. proxy counsel.
Sh. Sarfaraz Asif with Sh. Samir Khan, Ld. counsel
for all convicts.

ORDER ON SENTENCE

1. Arguments on sentence were heard from both the sides.
2. Previous involvement report received from SHO according to which convict Asif is involved in two more cases. Convict Mohd. Shakil is not involved in any other case. While convict Afsar Kuraishi had been involved in one more case.
3. Report received from Jail Superintendent regarding the time spent in judicial custody by the convicts. According to the report, convict Asif had been in JC from 09.05.2022 till 15.07.2023 i.e. for 1 year, 2 months and 6 days. Further, convict Mohd. Shakil had been in JC from 09.05.2022 till 04.07.2023 i.e. 1 year, 1 month and 26 days. Further, convict Afsar Kuraishi had been in JC for a period of 1 year and 7 days.
4. Further, as per report of SHO, there is nothing on record to show that they had been previously convicted in any other case.

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5. It is submitted by Ld. counsel for the convicts that convict Asif is only 23 years of age. He is 8th pass and works with his father Afsar Quraishi who is also convicted in this case. Further, convict Asif is unmarried and he has life ahead of him. He is not convicted in any other case.

6. It is further argued that convict Afsar Kuraishi, age 47 years, has four children including convict Asif. The incident happened within the family and victim was also close family member. They had no pre meditated intention to commit crime, it happened at the spur of the moment. Two of his daughters are unmarried who are aged 22 years and 16 years. His another son is 12 years of age.

7. Further, convict Mohd. Shakil is 47 years of age. He has six children and all are minor. He is the only earning member of his family and his wife usually keeps unwell. He is not involved in any other case.

8. It is further submitted that all convicts have already spent more than one year in judicial custody. It is submitted that considering the fact that they are not convicted in any other case, lenient view may be taken.

9. On the other hand, it is submitted by Ld. Addl. PP that convicts paid no regard to the fact that the victims are their own family member. It is further submitted that on a minor issue, they

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escalated the issue and committed the offence.

10. This court has considered the submissions and perused the record carefully.

11. Sentencing is not merely punitive but is also reformatory in nature. While awarding sentence, the Court is required to balance the gravity of offence with the mitigating circumstances in favour of convicts.

12. In the present case, it is not disputed that the incident had taken place at the spur of the moment, between convicts and complainant/victims who are close family members. There is nothing on record to show that convicts are habitual offenders. They are never convicted in any other case before. The convicts have already undergone incarceration for more than one year during pendency of the present case. Two convicts also have minor children dependent on them and one convict is 23 years old boy. Sending them back to incarceration at this stage would not only adversely affect their rehabilitation but would also seriously prejudice the welfare of the entire family including the minor children dependent on them. Object of criminal justice system is not only to punish but also to reform and reintegrate the offender into society wherever circumstances so justified.

13. Considering the totality of circumstances, namely the dispute between family members, absence of any motive for

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committing the crime, the period of custody already undergone by convicts and that they are already rehabilitated in society, this Court is of the considered opinion that ends of justice would be met if the convicts are sentenced to the period already undergone by them during investigation and trial. Also, each convict is sentenced to pay fine of Rs. 5000/- each.

14. Accordingly, each convict is sentenced to imprisonment for the period already undergone by them in the present case alongwith fine of Rs. 5000/- each.

15. Fine deposited by each convict.

16. **File is consigned to record room after due compliance.**

17. Copy of this order be given dasti to the convicts and the State.

(Twinkle Wadhwa)
ASJ-02(NE)/ KKD/Delhi
11.05.2026/nk