

**IN THE COURT OF SHRI PUNEET PAHWA  
SPECIAL JUDGE (NDPS)/ADDITIONAL SESSIONS  
JUDGE/NORTH EAST DISTRICT KARKARDOOMA  
COURTS DELHI**

**SC NO. 391/2018  
State Vs. Mohd. Husain  
FIR No. 250/2018  
PS: Crime Branch  
U/s: 21 NDPS Act**

**28.03.2026**

**ORDER ON SENTENCE**

1. Vide this order, I shall decide the quantum of sentence against convict namely Mohd. Husain S/o Md. Ishaq @ Md. Ishak, in this case.
2. Briefly stated that vide judgment dated 23.03.2026, the convict Mohd. Husain has been convicted for committing the offence punishable under sections 21(b) of NDPS Act.
3. I have heard arguments on the point of sentence on behalf of the convict as well as by the Ld. Addl. PP for the State.
4. Sh. Parveen, Ld. Legal Aid Counsel for the convict has submitted that the convict, aged about 42 years, is the sole bread earner in his family and he is having liability of his family. The convict is first time offender and has no previous involvement in any criminal case. He has also submitted that convict has already spent sufficient time in the jail. The lenient view may be taken for the convict and prayed that he may be awarded lighter

sentence or he may be released on the period already undergone in the present case.

5. On the other hand, Ld. Addl. PP for the State submitted that the convict may be sentenced as per law, as prescribed under sections 21(b) NDPS Act and no lenient view should be taken, while awarding the sentence to the convict. Ld. Addl. PP for the State has further argued that maximum punishment be awarded to the convict in the present case.

6. So far as issue of awarding quantum of sentence upon a convict is concerned, there is no set formula for the same, however, **Rule 1, Chapter 19, Volume III of Delhi High Court Rules** gives some guidelines in determining the sentence to the offenders. Same are being re-produced herein as under:

"The award of suitable sentence depends on a variety of considerations- The determination of appropriate punishment after the conviction of an offender is often a question of great difficulty and always requires careful consideration. The law prescribes the nature and the limit of the punishment permissible for an offence, but the Court has to determine in each case a sentence suited to the offence and the offender. The maximum punishment prescribed by the law for any offence is intended for the gravest of its kind and it is rarely necessary in practice to go up to the maximum. The measure of punishment in any particular instance depends upon a variety of considerations such as the motive for the crime, its gravity, the character of the offender, his age, antecedents and other extenuating or aggravating circumstance, such as sudden temptation, previous convictions, and so forth, which have all to be carefully weighed by the Court in passing the sentence".

7. As per the report of nominal roll in respect of the convict Mohd. Husain called from the Dy. Superintendent, Central Jail No. 11, Mandoli, Delhi, convict Mohd. Husain has already spent 01 year, 11 months and 04 days in judicial custody. The overall conduct of the convict in the jail remained satisfactory.

8. I have considered the nature and gravity of the offence and antecedents of the convict. While the act is serious, there are various mitigating factors such as health & family circumstances of the convict.

9. Perusal of the record shows that vide order dated 30.01.2026, the convict was ordered to be released on bail, however, despite that he has been in custody as he had failed to furnish the necessary surety bonds. Moreover, throughout trial, he has been represented through a legal aid counsel, which shows his weak financial condition.

10. The conduct of the convict during trial has been found to be satisfactory.

11. Therefore, considering overall circumstances and in view of the fact that he has already spent 1 year, 11 months and 4 days in custody, keeping him under further incarceration will be a punishment not only for him, but also, for his family. Thus, the convict Mohd. Husain is sentenced to **imprisonment for the period already undergone and further fine of Rs.10,000/-** for committing the offence punishable under Section 21(b) NDPS Act. In default of payment of fine, Simple Imprisonment for 01

month.

12. **Fine not paid by the convict.**
13. Ordered accordingly. Copy of this order be given dasti to the parties.
14. File be consigned to Record Room, after due compliance.

**Announced in the open court  
on 28<sup>th</sup> day of March, 2026**

**(PUNEET PAHWA)  
Special Judge (NDPS)/Addl. Sessions Judge/  
North East District/Karkardooma Courts/Delhi**