



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Reserved on: 10<sup>th</sup> October, 2025*  
*Date of Decision: 14<sup>th</sup> October, 2025*

+ **CRL.A. 313/2003**

MOHD. SADDIQ

.....Appellant

Through: Mr. Riaz Mohammad, Advocate  
alongwith Appellant in person.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for the State  
with Insp. Priyanka, AEKC, Crime  
Branch, Sunlight Colony, Delhi.

**CORAM:**

**JUSTICE RAJNEESH KUMAR GUPTA**

### **JUDGMENT**

1. The present appeal is filed on behalf of the Appellant under Section 374 (2) of the Code of Criminal Procedure, 1973 (hereinafter referred to as the “CrPC”) against the judgment dated 27<sup>th</sup> March, 2003 (hereinafter referred to as the “*impugned judgement*”) and against the Order-on-Sentence dated 6<sup>th</sup> May, 2003 (hereinafter referred to as the “*impugned Order on Sentence*”) passed by the court of Additional Sessions Judge, Delhi (hereinafter referred to as the “*Trial Court*”) in Sessions Case bearing No. 139/1998 arising out of the FIR bearing No. 761/1998 registered at Police Station-N.D. Railway Station, Delhi.

2. The Appellant *vide* the impugned judgment was held guilty for committing the offence punishable under Section 14 of the Foreigners Act, 1946. The Appellant *vide* the impugned order on sentence was sentenced to undergo Rigorous Imprisonment for a period of 02 years along with a fine



of Rs. 500/- and in default of payment of fine to further undergo Rigorous Imprisonment for a period of 01 month for the offences under Section 14 of the Foreigners Act, 1946.

3. The Appellant was charged under Section 14 of Foreigners Act, 1946 R/W Sections 13 and 3 of the Foreigners Act, 1946 on the allegations that in between the period of July 1997 to 30<sup>th</sup> July, 1998, the appellant had rendered assistance to accused Abdul Sattar @ Abu Sarid @ Abu Mohd. Sayeed, a Pakistani national knowing or having reason to believe that said accused Abdul Sattar had contravened the provisions of Section 3 of Foreigners Act read with Foreigners Order, 1948 with intent to prevent, hinder or otherwise interfere with his apprehension of police, to which he pleaded not guilty and claimed trial.

The Prosecution, in order to prove its case, examined 39 witnesses. The statement of the appellant was recorded under Section 313 CrPC, wherein the appellant had denied incriminating evidences and pleaded innocence and claimed false implication. The trial resulted in conviction, as aforesaid. Being aggrieved and dissatisfied, the present appeal has been preferred by the appellant.

4. Learned Counsel for the appellant has submitted, on instructions, that the appellant does not wish to press the present appeal on merits and confines his submissions only to the quantum of sentence to be modified to the period already undergone.

5. On the other hand, learned APP for the State has argued that the Trial Court has passed the order on sentence after considering the material on record and there is no infirmity in the order on sentence.

6. I have heard the learned Counsel for the appellant and learned APP



for the State and have perused the record.

7. Since the appellant has chosen not to press the present appeal on merits with respect to his conviction, this Court has not interfered with the findings of the conviction recorded by the Trial Court and accordingly, the impugned judgment is upheld.

8. Insofar as to the modification of the sentence is concerned, it is argued that the appellant is presently around 70 years old and has various health issues. The appellant has already undergone about 01 year and 22 days of imprisonment out of the total sentence of 02 years. The appellant has no previous criminal record and there is prolonged delay in the conclusion of the proceedings. The appellant has already deposited the fine of Rs. 500/- imposed by the Trial Court.

The learned counsel for the Appellant has drawn the attention of the court to the judgment of the Hon'ble Supreme Court in ***Mohammad Giasuddin vs State of Andhra Pradesh (1977) 3 SCC 287*** wherein it has been observed as under:

*“9. It is thus plain that crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturisation. Therefore, the focus of interest in penology is the individual, and the goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defence. We, therefore, consider a therapeutic, rather than an “in terrorem” outlook, should prevail in our criminal courts, since brutal incarceration of the person merely produces*



*laceration of his mind.*

16. ... „A proper sentence is the amalgam of many factors such as the nature of the offence, the circumstances — extenuating or aggravating — of the offence, the prior criminal record, if any, of the offender, the age of the offender, the record of the offender as to employment, the background of the offender with reference to education, home life, sobriety and social adjustment, the emotional and mental conditions of the offender, the prospects for the rehabilitation of the offender, the possibility of return of the offender to normal life in the community, the possibility of treatment or training of the offender, the possibility that the sentence may serve as a deterrent to crime by the offender or by others and the current community need, if any, for such a deterrent in respect to the particular type of offence. These factors have to be taken into account by the Court in deciding upon the appropriate sentence. [ As observed in *Santa Singh v. State of Punjab*, (1976) 4 SCC 190 at p. 191: 1976 SCC (Cri) 546] ”

Similarly, in ***Pramod Kumar Mishra v. State of Uttar Pradesh, 2023 SCC Online SC 1104***, the Hon’ble Supreme Court, while relying on the judgment of Mohammad Giasuddin (supra) reiterated the importance of considering mitigating factors while awarding sentence, particularly in cases involving long pending prosecutions, has held as under:

*“10. It is a well established principle that while imposing sentence, aggravating and mitigating circumstances of a case are to be taken into consideration.”*

9. Coming to the facts of the present case, the present case relates to an incident which has occurred 27 years ago while the impugned judgment itself was delivered nearly 22 years ago. The appellant would suffer undue hardship if incarcerated at this stage.

10. Considering the above discussed mitigating facts and circumstances, this is a fit case for reducing the quantum of the sentence of the appellant.



2025:DHC:9113



Accordingly, while maintaining the conviction of the appellant, the sentence of imprisonment of the appellant is reduced to the period already undergone by him in jail.

11. The appeal is partly allowed in the above terms, and the bail bond and surety bond stands discharged. Pending application(s), if any, also stand disposed of.

12. A copy of this judgment be communicated forthwith to the concerned Trial Court and the jail superintendent for information.

**RAJNEESH KUMAR GUPTA  
JUDGE**

**OCTOBER 14, 2025/sds/ik**