

CC No:- 6616/22

FIR No:- 166/22

u/s:- Section 2 of Prevention of Insult to National Honours Act, 1971

State v. Mohd. Tariq Azi

Police Station:- I.G.I. Airport

06.08.2022

Present:- Ld. APP for the State.

Accused in person along with Ld. Counsel Sh. Shubham Jain.

Arguments heard on the point of charge. Prima-facie case for the offence under Section 2 of the Prevention of Insult of National Honour Act 1971 is made out against the accused.

Formal Charge accordingly framed upon the accused to which he pleaded guilty and did not claim trail.

I have explained to the accused that he is not bound to make any statement regarding plea of guilt as it may lead to his conviction and he may be sentenced suitably as per law. Accused though persisted with his plea of guilt.

In view of the same, he stands convicted for the offence under Section 2 of the Prevention of Insult to National Honour Act 1971. Be heard separately on point of sentence.

Order on Sentence

Ld. APP for the State submits that considering the gravity of the offence, suitable punishment may be given to the convict.

It is submitted by Ld. counsel for convict that he has clean antecedents. It is submitted on behalf of convict that he is remorseful of his act and undertakes to remain careful in future. Thus, lenient view may be taken against him.

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In *Kokaiyabai Yadav v. State of Chhattisgarh*, (2017) 13 SCC 449, it has been observed that reforming criminals who understand their wrongdoing, are able to comprehend their acts, have grown and nurtured into citizens with a desire to live a fruitful life in the outside world, have the capacity of humanising the world”.

In *Ravada Sasikala v. State of A.P.*, AIR 2017 C 1166, Hon'ble Supreme Court referred the judgments in *Jameel v. State of UP*, (2010) 12 SCC 532, *Guru Basavraj v. State of Karnataka*, (2012) 8 SCC 734, *Summer Singh v. Surajbhan Singh*, (2014) 7 SCC 323, *State of Punjab v. Bawa Singh*, (2015) 3 SCC 441, and *Raj Bala v. State of Haryana*, (2016), 1 SCC 463 and has reiterated that:-

“... in operating the sentencing system, law should adopt corrective machinery or deterrence based on factual matrix. Facts and given circumstances in each case, nature of crime, manner in which was planned and committed, motive for commission of crime, conduct of accused, nature of weapons used and all other attending circumstances are relevant facts which would enter into area of consideration. Further, undue sympathy in sentencing would do more harm to justice dispensations and would undermine the public confidence in the efficacy of law. It is the duty of every Court to award proper sentence having regard to nature of offence and manner of its commission. The Supreme Court further said that Courts must not only keep in view the right of victim of Crime but also society at large. While considering imposition of appropriate punishment, the impact of crime on the society as a whole and rule of law needs to be balanced...”

Considering the submissions made, I am inclined to take a

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lenient view against the convict. Accordingly, convict is sentenced to pay fine of Rs. 2,000/- for the offence under Section 2 of the Prevention of Insults to National Honour Act 1971. Fine stands paid. Receipt be issued to him.

Further, accused is also directed to provide 20 National Flags having dimension 900x600 mm, and as per provisions of Flag Code of India, 2002 to Delhi State Legal Services Authority by 08.08.2022.

Delhi State Legal Services Authority having office at Patiala House Courts, New Delhi is requested to ensure the distribution of these flags by the convict at Child Care Institutions/ Educational Institutions for children including Madarsas under Delhi Waqf Board and Observation Home for Children. The number and manner of distribution of the flags is to be supervised by Delhi State Legal Services Authority.

Ld. Additional Secretary, DSLSA, Patiala House Courts, New Delhi is requested to file report regarding the same by 16.08.2022.

List the matter on **16.08.2022**.

Copy of order be given dasti to the convict. Copy be also sent to Ld. Additional Secretary, DSLSA for his kind information.

(NABEELA WALI)

ACMM-01/NEW DELHI DISTRICT

PATIALA HOUSE COURTS/NEW DELHI

06.08.2022