

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Criminal Jail Appeal No.S-171 of 2019

Appellant: Asif alias Guloo through Mr. Aijaz Shaikh, Advocate.

Respondent: The State through Mr. Muhammad Ali Noonari, Deputy Prosecutor General Sindh.

Date of hearing: 15.08.2022.

Date of Decision: 15.08.2022.

J U D G M E N T

AMJAD ALI SAHITO, J. Through this Criminal Appeal, the appellant has challenged the judgment dated 24.06.2019, passed by learned Additional Sessions Judge-I/MCTC, Umerkot in Sessions Case No.112 of 2014, Crime No.68 of 2014 registered at PS Kunri for the offence under section 25 Sindh Arms Act, 2013, whereby the appellant was convicted and sentenced for the offence u/s 25 Sindh Arms Act, 2013 for possessing 9 mm pistol to undergo R.I. for five years and pay fine to the tune of Rs.20,000/-; in case of default to undergo S.I. for six months more. However, the benefit of section 382-B Cr.P.C. was extended to the appellant.

2. Learned counsel for the appellant, at the very outset, has stated that the appellant has remained in Jail for sufficient period and still is being dragged in the instant case; as such, he does not wish to contest this Criminal Appeal and leave the appellant at the mercy of the Court. He states that if this Court while maintaining the conviction reduces the sentence to one he has already undergone, he would not press the Criminal Appeal.

3. On the other hand, learned Deputy Prosecutor General Sindh concedes that the appellant has remained behind the bars for sufficient period and learned the lesson, therefore,

he has no objection if a lenient view is taken against him by dismissing the instant Criminal Appeal and treating the sentence to one as already undergone.

4. I have heard the learned counsel for the appellant, learned D.P.G. for the State and have gone through the record. The witnesses have supported each other on all salient features of the case and there appears to be no meaningful contradictions. However, the offence pertains to the year 2014. The Jail Roll of the appellant was called from the concerned Jail, which reflects that the appellant has served out entire sentence and only there remains 16 days to be served out by him. The appellant has remained in jail and learned the lesson as he has undergone almost entire period of his sentence except sixteen days, which is only on account of non-payment of fine amount. The punishment awarded to the accused is five years; therefore, there is no legal impediment in accepting request of learned counsel for the appellant. Consequently, while taking leniency, instant Criminal Appeal is dismissed but with the reduction of his sentence to one as already undergone by the appellant including fine amount. He is present on bail. His bail bonds stand cancelled and surety discharged. The office is directed to return surety papers to the surety after proper verification and identification under valid receipt.

5. Instant Criminal Appeal is **dismissed** with the above modification.

JUDGE