

Judgment sheet.
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

Cr. Rev. Appln.No.S-87 of 2005.

DATE ORDER WITH SIGNATURE OF JUDGE

For regular hearing.

Date of hearing: 24 .08.2017.

Date of judgment: 24.08.2017.

Applicant Through Mr. Aziz Ahmed Laghari, Advocate

The State Through Mr. Shahid Ahmed Shaikh, D.P.G.

===

J U D G M E N T :-

ABDUL MAALIK GADDI, J:- Being aggrieved and dissatisfied with the order passed by the appellate court of learned IInd Additional Sessions Judge Hyderabad in criminal appeal No.15 of 2005 crime No.23 of 2004 of PS Chamber, under section 337-A(ii), 337-F(i), 147, 148, 504 PPC, acquitting all other accused and maintaining conviction of applicant/accused Abdul Jalil u/s 337-A(ii) PPC viz to pay of Arsh of Rs.2000/- to the victim and to remain in jail for 2 years RI imprisonment, hence, prefers this revision application.

2. Brief facts of the case of prosecution as disclosed in the FIR are that on 03.06.2004 complainant Manzoor Ali was present in his house, when his brother Abdul Shakoor and Mehboob Ali complained to him that when they were going to get grass for cattle's and on the way Manjhi son of Darya Khan Otho met them, he said let cut the grass together, on which they told him that they have already no patch up with him and don't talk to them, on

which he made jokes upon them. On hearing such facts, complainant went to Manjhi at 1400 hours, where Manjhi, Jalil, Ismail, Ramzan, Uris, Ghulam Hussain were standing. Complainant enquired from Manjhi the reason of making jokes with his brothers, on which accused Manjhi started using filthy language against the complainant, which was restrained by the complainant. On this, accused Manjhi, Jalil, Ismail, Uris brought lathies while Ghulam Hussain brought hatchet whereas Ramzan brought pistol from their houses, Jalil inflicted lathi blow over the head of complainant while other accused also beaten the complainant and on cries of complainant attracted his maternal uncle Banhoon, brother Abdul Shakoor and other villagers, who intervened and rescued the complainant. Thereafter, accused using abusive language went towards their houses, hence, this FIR.

3. It is stated by the learned counsel for the applicant that on merit though the applicant has a good case for his acquittal on the ground that case of the prosecution is false and the evidence of the prosecution witnesses are on record, is contradictory to each other. He further submits that the applicant is facing agony of protracted trial since 2005 without his fault, therefore, according to him, he would be satisfied and shall not press this appeal on merit, if the sentence awarded to the applicant by the learned trial court reduced to the period which he has remained in jail and the fine is remitted. Per learned counsel the applicant has remained in jail for eight months and 17 days. The applicant was granted bail by this Court under section 426 Cr.P.C vide order dated 04.10.2005 and since then applicant is attending this Court regularly and the applicant is in young age and he has no past criminal history. The applicant is only source for earning of his family.

4. Learned D.P.G after going through the record tenders no objection to above proposal.

5. I have thoroughly examined the record with the able assistance of learned D.P.G and Counsel for the applicant. In view of the record, I am of the opinion that the conviction of the applicant is based on cogent reasons. The applicant is first offender. No past criminal history against him is placed on record. He is young in age and remained in jail for about eight months and 17 days, therefore, in the present scenario of the case, the applicant has been sufficiently punished. Under these circumstances, he needs to be given chance in his life to rehabilitate himself.

6. Consequently, in view of above, the applicant deserves leniency. While taking lenient view, I dismiss this Criminal Revision Application on merits, however, reduce the sentence to one already undergone by the applicant and fine is hereby remitted. applicant is present on bail, his bail bonds stand cancelled and surety discharged.

JUDGE