

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

Cr. Rev.A. No.S-105 of 2011.

DATE ORDER WITH SIGNATURE OF JUDGE

For regular hearing.

Date of hearing: 22. 09.2017.

Date of judgment: 22. 09.2017.

Applicant: Through Mr. Shakir Ali Talpur, Advocate

The State Through Syed Meeral Shah DPG

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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 Ist Additional Sessions Judge Hyderabad in criminal appeal No.02 of 2011 vide crime No.271 of 2009 of PS Husiri, Hyderabad, under section 13(d) of Arms Ordinance, 1965 maintaining conviction of applicant/accused Ali Bux u/s 13(d) Arms Ordinance, 1965 to suffer RI for three years and to pay Rs.30,000/-. In case of failure of payment of fine accused shall be liable to be sentenced to SI for six month, however, benefit of section 382-B Cr.P.C was also extended to him.

2. Brief facts of the case are that one Mohammad Ramzan Brohi, who shall hereinafter be referred as mashir, was coming from Tando Mohammad Khan on 6.12.2009. When he reached at Achi mori he saw one person sitting on the upper side of the road and identified him to be one of the culprits in crime No.225 of 2009 under section 17(3) of H.O. Then he telephoned SIP Gul Mohammad Metlo, SIO Police Station Husiri, for arrest of

accused. Having received the call from mashir SIP Gul Mohammad Metlo, who shall hereinafter be referred as complainant, left police station Husri alongwith ASI Khadim Ali, PC Bashir, PC Ghulam Rasool, DPC Mohammad Khan in Government vehicle vide Roznamcha entry No.22 at about 1615 hours and he reached at cattle colony picked up mashir from there and proceeded to pointed place i.e. achi mori. Having reached there he saw one person who on seeing police tried to slip but police apprehended him inquired his name to which he disclosed Ali Bux son of Suihrab. During body search complainant recovered one TT pistol of 30 bore bearing No.206665 alongwith five bullets so also Rs.200/-from his front pocket. Upon inquiry accused failed to produce license of the pistol. After completing the proceedings at the spot complainant brought accused at police station and lodged FIR under section 13-d of Arms Ordinance, 1965.

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 2011 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 about 04 years. The applicant was granted bail by this Court under section 426 Cr.P.C vide order dated 19.08.2011 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 four years, 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