

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

Criminal Appeal No.S-30 of 2017

Date of hearing: 08.05.2017

Date of decision: 08.05.2017

Appellant : Pir Bux  
Through Mr. Karamullah Memon, Advocate.

Respondent : The State  
Through Mr. Shahid Ahmed Shaikh, A.P.G  
-.-.-.-.-.

**J U D G M E N T**

**ABDUL MAALIK GADDI, J** – The appellant has preferred this criminal appeal against the judgment dated 31.01.2017 passed by the learned Additional Sessions Judge Khipro in Sessions Case No.227/2016 pertaining to crime No.34/2016 registered with P.S. Khahi District Sanghar for offence u/s 23-1(a) Sindh Arms Act, whereby the appellant was convicted and sentenced to suffer R.I for 02 years and fine of Rs.20,000/-, in case of default thereof, he shall undergo for S.I six months more. However, the benefit of Section 382-B Cr.P.C was also extended to him.

2. The brief facts of the prosecution story as per FIR are that on 17.07.2016 SIP Muhammad Ayoub accompanied PC Shaukat Ali, PC Mir Khan, private mashirs Ghulam Muhammad Mari and Dodo Mari left PS Khahi in a private vehicle under roznamcha entry No.14 at 1900 hours for investigation of crime No.33/2016 u/s 324, 337-H(ii), 504, 34 PPC PS Khahi, when reached Daulatabad Stop where received secrete information that wanted accused with crime motorcycle was

coming from his village towards Daulatabad, the complainant party reached Chanesar Mahar link road, held Nakabandi, meanwhile at 2000 hours one person came on 125 motorcycle, who was stopped and on enquiry he disclosed his name Pir Bux Mari to whom mashirs identified to be same accused wanted in above crime. Police arrested him, conducted his body search, recovered one T.T. Pistol with magazine containing 03 live bullets of 30 bore from left fold of his Shalwar and on demand the accused failed to produce the license so also documents of the motorcycle. The pistol and bullets were sealed, such memo was prepared under the mashirnama of private mashirs Ghulam Muhammad and Dodo under the light of torch, motorcycle was seized u/s 550 Cr.P.C. whereafter the accused and case property were brought at P.S. hence this FIR.

3. It appears from the record that learned Trial Court after full dressed trial convicted and sentenced the appellant as stated above.

4. Today, this appeal is fixed for final arguments. Learned Counsel for the parties have been heard but after hearing the learned counsel for the parties at some length learned counsel for appellant submitted that on merits though the appellant has a good case for his acquittal, but he is facing the agony of protracted trial since 2016, therefore, according to him, he would be satisfied and shall not press this appeal on merits if the sentences awarded to the appellant by the learned Trial Court is reduced to the period which he has remained in Jail. It is stated by the learned A.P.G that the appellant is in jail since 17.07.2016.

5. Learned A.P.G has also raised no objection on the above proposition.

6. I have thoroughly examined the record. I am of the view that the conviction of the appellant is based on cogent reasons. The appellant is in jail since 17.07.2016 which appears that he has been sufficiently punished. The appellant is first offender. No past criminal history against him is placed on record.

7. Consequently, the conviction is maintained, however, the sentences awarded to the appellant by the Trial Court is reduced to one which the appellant has already undergone and the fine of Rs.20000- is reduced to Rs.5000/-.

8. The appellant shall be released forthwith if not required in any other case after payment of fine of Rs.5000/-.

9. With the above modification in the sentence and fine, this appeal is dismissed.

JUDGE