

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Criminal Revision Application No.S-117 of 2022

Applicants: Majid @ Zubair Ahmed, Mevo,
Shahzado and Rajib through
Mr.Imdad Hussain Shahani,
Advocate.

Respondent: The State through Mr. Nazar
Muhammad Memon A.P.G. Sindh.

Date of hearing: 15.11.2022.

Date of Decision: 15.11.2022.

ORDER

MUHAMMAD IQBAL KALHORO, J: - Through this Criminal Revision Application, applicants have challenged the judgments dated 13.08.2022, passed by learned Additional Sessions Judge, Dadu-I in Criminal Appeal No.41 & 45 of 2022 respectively filed by applicants which were dismissed; and judgment dated 11.05.2022 passed by learned Assistant Sessions Judge, Dadu in Sessions Case No.05 of 2022 arising out of crime No.07 of 2021 registered at Police Station Moundar for offence under sections 324, 353 PPC, whereby applicants were convicted for committing offence under section 324 PPC and sentenced to suffer R.I. for four years with fine of Rs.20,000/-; in default whereof, to suffer S.I. for three months more and for offence under section 353 PPC sentenced them for one year R.I. and fine of Rs.10,000/-, in default whereof, to suffer for two months more.

2. Learned counsel for the applicants, at the very outset, has stated that the applicants have remained in Jail for sufficient period and still are being dragged in the instant case; as such, he does not wish to contest this Criminal Revision on merits and leave the applicants at the mercy of the Court. He states that if this Court while maintaining conviction reduces the sentence to one they have already undergone, he would be satisfied.

3. Learned A.P.G. Sindh has acquiesced into this proposal and states that the applicants have remained behind the bars for sufficient period and learnt the lesson, therefore, he has no objection if a lenient view is taken against them by dismissing the instant Criminal Revision and treating sentence of applicants to the one already undergone by them.

4. I have heard the parties 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 worthwhile contradictions to give its benefit to applicants and acquit them. Notwithstanding, the offence pertains to the year 2021. The punishment awarded to the applicants is four years and one year respectively out of which they have undergone sufficient period of their sentence i.e. 02 years, 02 months and 27 days including remission as such they have learnt the lesson. It is admitted that applicants are not previous convict. The punishment for section 324 PPC is upto seven years and under section 353 PPC it is upto two years. Therefore, there is no legal impediment in accepting request of learned counsel for the applicants in such circumstances.

5. Consequently, while taking a lenient view, instant Criminal Revision is dismissed, the conviction of applicants is maintained but with a modification that the sentence awarded to the applicants for the offence under section 324 and 353 PPC is to be deemed to run concurrently and reduced to the period as already undergone by them. However, total fine amount Rs.30,000/- as awarded is reduced to Rs.10,000/- each shall remain intact, its default shall expose the applicants to one month simple imprisonment. In view of above, office is directed to issue release writ of the applicants to concerned Jail authorities with direction to release the applicants if they are not required in any other custody case on payment of aforesaid fine or in default whereof to suffer one month S.I.

6. Instant Criminal Revision is **dismissed** with the above modification.

JUDGE