

JUDGMENT SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Present:

Mr. Justice Muhammad Iqbal Kalhoro,
Mr. Justice Amjad Ali Sahito.

Criminal Appeal No.D-27 of 2015

Date of hearing: 02.11.2021.

Date of Decision: 02.11.2021.

Appellant: Aijaz Ali (present on bail) through Mr.
Muhammad Jameel Arain, Advocate.

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

J U D G M E N T

AMJAD ALI SAHITO, -J:- Through this Criminal Appeal, the appellant has challenged the judgment dated 13-03-2015, passed by learned Sessions Judge / Special Judge under (CNSA), Tando Muhammad Khan in Special Case No.12 of 2013, Crime No.87 of 2013 of Police Station Tando Muhammad Khan, u/s 9-B CNS Act, 1997. The appellant was convicted and sentenced to undergo R.I for one year with fine of Rs.9,000/- in default whereof, to suffer S.I for three months more. However, appellant was extended benefit of section 382-B Cr.P.C.

2. Learned counsel for the appellant, at the very outset, states that he does not wish to contest this 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 this appeal.

3. Learned Additional Prosecutor General, Sindh appearing for the State does not oppose if a lenient view is taken against the appellant by dismissing the appeal to one as already undergone.

4. We have heard the learned counsel for the appellant, learned A.P.G. for the State have gone through the record.

5. It appears that this criminal appeal is pending before this Court since 2015; the offence was registered in the year 2013; the appellant has remained in jail and learnt the lesson as he has undergone for sufficient period of the sentence and is being dragged since 2013 in the instant crime. Consequently, while taking a leniency, instant Criminal Appeal is **dismissed** but with modification that the sentence including fine amount is reduced to one as already undergone. The appellant is present on bail. His bail bonds stand cancelled and surety discharged. The office shall return surety papers to the surety after proper verification and identification as per rules.

6. Instant Criminal Appeal is dismissed with above modification.

JUDGE

JUDGE