

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

CRIMINAL APPEAL No.S-08 of 2025

Appellant: Jan Muhammad s/o Muhammad Sharif Rahimoon.
Through Mr. Afzal Kareem Virk, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, Deputy P.G.

Complainant: Niaz Ali s/o Sultan Ahmed
Through Ms. Roopmala Singh, Advocate.

CRIMINAL APPEAL No.S-64 of 2025

Appellant: Wali Muhammad s/o Muhammad Bachal Rahimoon.
Through Mr. Afzal Kareem Virk, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, Deputy P.G.

Complainant: Niaz Ali s/o Sultan Ahmed
Through Ms. Roopmala Singh, Advocate.

CRIMINAL APPEAL No.S-07 of 2025

Appellant: Jan Muhammad s/o Muhammad Sharif Rahimoon.
Through Mr. Afzal Kareem Virk, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, Deputy P.G.

Date of hearing: 19.08.2025

Date of judgment: 19.08.2025

J U D G M E N T

Amjad Ali Sahito, J. By this single judgment, I intend to dispose of above captioned three appeals whereby the appellants Jan Muhammad and Wali Muhammad in Criminal Appeal No.S-08 and S-64 of 2025 have impugned judgment dated 07-03-2025, passed by the learned Additional Sessions Judge-I,

Umerkot, in S.C No.69/2022 [Re-The State v. Wali Muhammad and another], arising out of Crime No. 01/2022 for the offences under sections 324,452,114, 506(ii),34 P.P.C registered at P.S Pithoro, whereby the appellants were convicted and sentenced as under:

- Accused persons namely Wali Muhammad S/O Muhammad Bachal Rahimoon and Jan Muhammad S/O Muhammad Sharif Rahimoon are here by convicted for offence Punishable U/S 452 -PPC and sentenced to undergo R.I for 5 (Five) years and fine of Rs. 20,000/- each and in case of default, they shall further undergo S.I for 1 (One) Month.
- Accused namely Jan Muhammad S/O Muhammad Sharif Rahimoon is here by convicted for offence Punishable U/S 324-PPC and sentenced to undergo R.I for 5 (Five) years and fine of Rs. 50,000/- and in case of default, he shall further undergo S.I for 3 (Three) Months.
- Accused namely Jan Muhammad S/O Muhammad Sharif Rahimoon is hereby convicted for offence punishable U/s 337-A vi-PPC and sentenced to pay arsh which shall be fifteen percent of diyat and to undergo R.I for 7 (Seven) years as Tazir.
- Accused namely Jan Muhammad S/O Muhammad Sharif Rahimoon is hereby convicted for offence punishable U/S 337-F iv-PPC and sentenced to pay of Rs. 50,000/- as Daman and to undergo R.I for 5 (Five) years as Tazir.
- Accused namely Jan Muhammad S/O Muhammad Sharif Rahimoon is hereby convicted for offence punishable U/s 337-F i-PPC and sentenced to pay of Rs. 10,000/- as Daman and to undergo R.I for 10 (Ten) Months as Tazir.
- Accused namely Jan Muhammad S/O Muhammad Sharif Rahimoon is hereby convicted for offence punishable U/s 337-F-ii-PPC and sentenced to pay of Rs. 10,000/- as Daman and to undergo R.I for 1 (One) Year as Tazir.
- Accused namely Wali Muhammad S/O Muhammad Bachal Rahimoon is hereby convicted for offence punishable U/s 114-PPC for commission of offence by co-accused under section 452/324/337-Aiv/337-Fvi/337-Fi/337-Fii PPC and sentenced to undergo R.I for 5 (Five) years and fine of Rs. 20,000/- and in case of default, he shall further undergo S.I for 1 (One) Month.

The appellant Jan Muhammad by filing Criminal Appeal

No.S-07/ 2025 has impugned judgment dated 07-03-2025, passed by the learned Additional Sessions Judge-I, Umerkot, in S.C No.78/2022 [Re-The State v. Jan Muhammad], arising out of Crime No.03/2022 for the offence under section 23(1)(a) Sindh Arms Act, 2013 registered at P.S Pithoro, whereby appellant Jan Muhammad was sentenced to suffer R.I for five years and to pay fine of Rs.10,000/=, in case of failure to pay fine, he shall further undergone S.I for 15 days; however benefit of section 382-B Cr.P.C was extended to the appellants.

2. Facts of the prosecution case of FIR No. 01/ 2022 are that on 02.01.2022, complainant Niaz Ali along with his brothers namely Liaquat Ali, Abdul Jabbar and mother Mst. Jannat Khatoon were available in their house; at about 11.00 a.m. accused Jan Muhammad S/O Muhammad Sharif Rahimoon, having already matrimonial enmity along with his relative Wali Muhammad S/O Muhammad Bachal and two unknown accused persons entered in the house and on the instigation of accused Wali Muhammad, accused Jan Muhammad took out pistol from the fold of his shalwar and started direct firing from his pistol upon the mother of complainant namely Mst. Jannat Khatoon. Complainant and his brothers laid down on the ground in order to save themselves, while their mother after sustaining fire shot injuries fell down on the ground. Thereafter, accused persons went away while issuing threats of dire consequences. They saw that their mother Mst. Jannat Khatoon sustained bullet injuries on her left cheek, fingers of left hand, abdomen and thigh and blood was oozing from injuries and she was semi-unconscious. After making arrangement of vehicle, they brought their mother to Taluka hospital, Pithoro, where Doctor after providing first aid referred her to Civil Hospital Hyderabad. After admitting mother for medical treatment and leaving his brothers at hospital; complainant came at the police station and lodged instant FIR.

3. Facts of the prosecution case of FIR No. 03/ 2022 are that on 12-03-2022 at about 1030 hours,

complainant ASI Muhammad Ashraf Ghouri, during patrolling arrested accused Jan Muhammad from Bacha Band, Samaro road, Qabool Shah railway Phatak/ crossing in presence of mashirs, being wanted in FIR No.01/2022 under sections 324,452,114,506(ii),34 PPC of P.S Pithoro and recovered an un-licenced 30 bore pistol from the left side fold of his shalwar with magazine containing two live bullets of 30 bore, so also recovered one brown colour wallet from right pocket of his shirt, containing 02 currency notes of Rs.100/= each and photo copy of his CNIC. After sealing the case property and preparing such memo, complainant brought the accused and recovered property at P.S where he lodged instant FIR.

4. After usual investigation, the case(s) against the appellants was challaned and evidence of the prosecution witnesses and statements of accused were recorded and after hearing the parties, learned trial Court passed the impugned judgment(s)and convicted the applicant and sentenced his as stated above.

5. Learned counsel for the appellants, at the very outset, has stated that he does not wish to contest these criminal appeals and leave the appellants at the mercy of the Court. He states that if this Court while maintaining the conviction reduces the sentence to one they have already undergone, he would not press the criminal appeals. He further argued that appellant Jan Muhammad has already served out the sentence awarded to him and he is confined in jail for last four years for want of payment of Daman and Arsh (15% of Diyat amount). He further submits that appellant Jan Muhammad being poor person is not in a position to pay the Daman and Arsh (15% of Diyat amount) of Rs.160,000/=, however, he is ready to pay only amount of Rs.30,000/= and presently he is ready to pay Rs.10,000/= to the injured Mst. Jannat Khatoon and for remaining Rs.20,000/= he is ready to pay in four equal installments. He also moved such application under section 337-X PPC, which is taken on record. He

further submits that the role of appellant Wali Muhammad, in the alleged offence, is only of instigation.

6. Learned D.P.G and learned counsel for the complainant raised no objection for disposal of instant appeals in above terms.

7. I have heard the learned counsel for the appellants, Learned Counsel for the complainant as well as learned D.P.G. for the State and have gone through the record. It appears that the appellants have remained in jail and has learnt the lesson as they have undergone for sufficient period of the sentence and appellant Wali Muhammad is attending this Court after his release on bail in the instant appeals. Consequently, while taking a leniency, instant criminal appeals Nos. **7 of 2025, 8 of 2025 and 64 of 2025 are dismissed to the extent of sentence** but with modification that the sentence of both appellants is reduced to one as already undergone including fine amount mentioned in the Judgement dated 07.03.2025 passed by Learned Additional Session Judge-1 Umerkot in Session Case No.78/2022 in Crime No.03/2022 for an offence under section 23(1)(a) Sindh Arms Act,2013. Whereby appellant Jan Muhammad was convicted and sentenced R.I for 5 years and to pay fine of Rs.10,000/.

8. In view of above, impugned judgment dated 07-03-2025 passed by learned Additional Sessions Judge-I, Umerkot in Session Case No. 69/2022 to the extent of conviction is reduced to one as already undergone, however, *Daman* and *Arsh* (15% of *Diyat* amount) being a poor person and he is in jail for last four years for nonpayment of *Daman*, *Arsh* (15% of *Diyat* amount) is reduced in view of no objection raised by the learned counsel for the complainant and learned D.P.G from Rs.160,000/= to Rs. 30,000/= and appellant Jan Muhammad is directed to pay first installment of Rs.10,000/= in the office of Accountant of this Court and submits such proof and after payment of *Daman* and *Arsh* (15% of *Diyat* amount) of Rs.10,000/=, office is directed to issue Release Writ for appellant Jan Muhammad with direction to the Jail Superintendent concerned to release him forthwith, if he is not required in other custody case. It is made clear that

conviction awarded to appellant Jan Muhammad in Crime No.01/ 2022 registered under sections 324,452,114,506(ii),34 PPC at P.S Pithoro and conviction awarded in Crime No.3/ 2022 for offence under section 23(1)(a) Sindh Arms Act, 2013 of PS Pithoro shall run concurrently. So far the case of appellant Wali Muhammad is concerned, the role assigned to him is only of instigation; he has already suffered the agony of trial, as such, looking to such situation sentence awarded to him including fine amount is converted into a sentence already undergone. He is present on bail, his bail bond is cancelled and surety stands discharged. Office is directed to return the surety papers after proper verification and identification. The Accountant of this Court is directed to hand over the paid Daman and Arsh (15% of Diyat amount) to injured namely Mst. Jannat Khatoon under receipt after issuing notice to her.

9. With the above modification in impugned judgment(s), the appeals are accordingly disposed of.

JUDGE

Saleem