

## IN THE HIGH COURT OF SINDH, KARACHI

*Present:*

*Mr. Justice Mohammad Karim Khan Agha*

### CRIMINAL APPEAL NO.294 OF 2021

Appellants	1. Muhammad Babar Lodhi 2. Muhammad Shaban 3. Muhammad Hanif @ Kaka through Mr. Shoukat Ali, advocate
Respondents	The State through Mr. Muhammad Iqbal Awan, Additional Prosecutor General Sindh.
Date of Judgment	14.11.2024

## JUDGMENT

**Mohammad Karim Khan Agha, J.** Appellants Muhammad Babar Lodhi, Muhammad Shaban and Muhammad Hanif were tried in the Court of Special Judge (Central-I) Karachi in Case No.11/2019 in respect of FIR No.105/2017 registered under Sections 419/420/468/471/109 PPC, read with Section 5(2) PCA-II, 1947 of PS FIA AHTC Karachi and vide judgment dated 26.05.2021 the appellants were convicted and sentenced as under:

(i) Accused Muhammad Barbar Lodhi found guilty for committing offence u/s 419 r/w 109 PPC and sentenced R.I. for One Year and he shall be liable to pay fine of Rs.5000/-, however, in default thereof he shall further undergo S.I. for One Month. Accused found guilty for committing offence u/s 468 PPC and sentenced R.I. for One Year and he shall be liable to pay fine of Rs.5000/-, however, in default thereof he shall further undergo S.I. for One Month. Accused also found guilty for committing offence u/s 5(2) of PCA-II, 1947 and sentenced R.I. for One Year.

(ii) Accused Muhammad Shaban found guilty for committing offence u/s 419 r/w 109 PPC and sentenced R.I. for One Year and he shall be liable to pay fine of Rs.5000/-, however, in default thereof he shall further undergo S.I. for One Month. Accused found guilty for committing offence u/s 468 PPC and sentenced R.I. for One Year and he shall be liable to pay fine of Rs.5000/-, however, in default thereof he shall further undergo S.I. for One Month. Accused also found guilty for committing offence u/s 5(2) of PCA-II, 1947 and sentenced R.I. for One Year.

(iii) Accused Muhammad Hanif @ Kaka found guilty for committing offence u/s 419 r/w 109 PPC and sentenced R.I. for One Year and he shall be liable to pay fine of Rs.5000/-, however, in default thereof he shall further undergo S.I. for One Month. Accused found guilty for committing offence u/s 468 PPC and sentenced R.I. for One Year and he shall be liable to pay fine of Rs.5000/-, however, in default thereof he shall further undergo S.I. for One Month. Accused also found guilty for committing offence u/s 5(2) of PCA-II, 1947 and sentenced R.I. for One Year.

However, it is ordered that all the sentences of accused shall run concurrently except the payment of fine. The benefit of Section 382-B Cr.P.C. is extended to accused.

2. The brief facts of the case in nutshell are that two appellants are employee of NADRA and one is Councilor of Union Council, who attested the fake Form of CNIC issued by NADRA in respect of a lady who had expired in 1994 at USA. Hence the aforesaid FIR was lodged against them.

3. After usual investigation, the challan was submitted against the appellants to which they pleaded not guilty and claimed trial.

4. The prosecution in order to prove its case examined 09 PWs and exhibited various documents and other items. The statements of accused persons were recorded under Section 342 Cr.P.C in which they denied the allegations levelled against them. However, the appellants did not give evidence on oath nor produce any DWs in support of their defence.

5. After hearing the parties and appreciating the evidence on record, the trial court convicted the appellants and sentenced them as set out earlier in this judgment; hence, the appellants have filed this appeal against their convictions.

6. The facts of the case as well as evidence produced before the trial court find an elaborate mention in the impugned judgment dated 26.05.2021 passed by the trial court, therefore, the same may not be reproduced here so as to avoid duplication and unnecessary repetition.

7. At the very outset, learned counsel for the appellants did not argue the case on merits and sought only reduction in sentences based on the following mitigating circumstances:-

- a) That the appellants are first time offenders and capable for reformation.
- b) That the appellants had a large family to support.

- c) That by accepting their guilt they have shown genuine remorse and saved the time of this Court.
- d) That the appellants had served out a part of his sentence.

8. Based on these mitigating factors mentioned by the appellants, learned Assistant Attorney General had no objection to the reduction in sentences to some reasonable extent.

9. I have gone through the evidence on record, both oral and documentary, and find that that the prosecution has proved its case beyond a reasonable doubt against the appellants and as such their convictions are upheld.

10. With regard to sentences awarded to the appellants based on the mitigating circumstances mentioned above and no objection given by the learned Assistant Attorney General for reducing the sentences, the sentences awarded to the appellants are all reduced to one which he has already undergone in jail and his fine(s) is/are waived off. The appellants are present in Court on bail. His bail bonds are discharged and they are free to go.

11. This appeal stands disposed of in the above terms.

**JUDGE**

Nadir\*