

IN THE HIGH COURT OF SINDH, KARACHI
Criminal Appeal No. 264 of 2024

Before:

Justice Zafar Ahmed Rajput, ACJ
Justice Miran Muhammad Shah

Appellant : Muhammad Atif s/o Rahim Khan, through
Mr. Ajab Khan Khattak, Advocate.

Respondent : The State, through Mr. Siraj Ali Khan
Chandio, Addl. Prosecutor General, Sindh.

Date of hearing : 30.10.2025

Date of order : 30.10.2025

JUDGMENT

ZAFAR AHMED RAJPUT, J.- Impugned in this Crl. Appeal is the judgment, dated 15.03.2024, passed in Sessions Case No. 2405 of 2022, arisen out of Crime No.249/2022 registered at Police Station Madina Colony, Karachi-West, under Sections 377-B/34, PPC, whereby the learned Additional Sessions Judge-X, Karachi-West convicted the appellant for the said offence and sentenced him to suffer rigorous imprisonment for seven years and to pay fine of Rs. 100,000/- (Rupees One Lac Only) or, in default thereof, to suffer simple imprisonment for six months more. The appellant was, however, extended benefit of section 382-B, CrPC for the period, which he had remained in jail as under trial prisoner.

2. Learned counsel for the appellant, after arguing the case at some length, contends that he does not press the Appeal on merits; however, he prays that the sentences awarded to the appellant may be reduced to a period, which he has already remained in incarceration, as the alleged offence provides lesser punishment of two years, and the appellant is not previously convicted of any offence, and with remission he has already served out about five years and two months, whereby he has sufficiently been punished.

3. Learned Addl. P G, after going through the record, concedes to the request of learned counsel for the appellant for reduction of the sentence to already undergone.
4. We have scanned the record. As per the jail roll, dated 30.10.2025, furnished by the Senior Superintendent, Central Prison & Correctional Facility, Karachi, the appellant has served out sentence, excluding the remissions, for a period of about two years and eight months and with remission about five years and two months till date and the unexpired portion of his sentence as shown in his jail roll is two years and four months, with fine.
5. We are conscious of the fact that the punishment for any offence committed by a person is awarded for retribution, deterrence and in order to strengthen the society by reforming the guilty. The law itself has categorized the offences. It is well established that punishment for an offence serves not only as a means of retribution but also as a tool for deterrence and a mechanism to strengthen the fabric of society through the rehabilitation of the offender. The law itself classifies offences distinctly. In some instances, punishment is mandated with the expression "*not less than,*" denoting a fixed minimum, while in others, the law provides flexibility through terms like "*may extend to*" or "*may extend up to*" or "*not less than.*" This legislative contrast signifies that, in the latter category, the courts are expected to exercise judicial discretion by taking into account the specific facts and circumstances of the case. These are the kinds of offences where a lesser punishment may serve the ends of justice by allowing room for the offender's moral and social reformation.
6. The appellant is 26-year-old man. He is neither previously convicted of any offence nor is there any instance of his involvement in any criminal case. We are, therefore, inclined to give him an opportunity for

reformation. Consequently, the impugned judgment to the extent of conviction is maintained; however, the sentence awarded to the appellant by the Trial Court is reduced to already undergone.

7. With the above modification in the sentence, the appeal is dismissed. The appellant is in jail; he shall be released forthwith if his custody is not required by the jail authorities in any other case/crime.

8. The instant Appeal stands dismissed with above modification in sentence.

ACTING CHIEF JUSTICE

JUDGE

Athar Zai