

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

Criminal Appeal No.S-35 of 2024

Appellants: 1. Muhammad Hassan S/o Soomar,
2. Nabi Bux S/o Muhammad Hassan,
3. Ghulam Mustafa S/o Muhammad Hassan,
4. Sher Ali S/o Muhammad Hassan,
5. Muhammad Hanif S/o Muhammad Hassan,
6. Bhoro S/o Muhammad Hassan,

Through Mr. Nadeem Abbasi, Advocate.

Complainant: Muhammad Hassan S/o Muhammad Suleman,
Through Mr. Muhammad Asif Zai, Advocate.

Respondent: The State.
Through Mr. Shahzado Saleem, Additional P.G.

Date of Hearing: 16.09.2025.

Date of Order: 16.09.2025.

ORDER

Amjad Ali Sahito, J: Through this Criminal Appeal, the appellants have challenged the judgment dated 29.09.2016 passed by the learned Additional Sessions Judge-I, Mirpurkhas, in Crl. Misc. Application No.07/2012 "Re: Muhammad Hassan Vs. Muhammad Hassan and others" for offence under section 3/4 of Illegal Dispossession Act, 2005 whereby the appellants were convicted and sentenced to suffer R.I for 01 year each with fine of Rs.10,000/- each.

2. The learned counsel after arguing at some length; prayed that he would not like to argue on merits but would be satisfied if the sentence given to the appellants was reduced to the time they had already remained in prison.

3. On the other hand, learned A.P.G Sindh concedes that the appellants 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 appeal and treating the sentence to one as already undergone. However, counsel for the respondent No.1 opposed the same.

4. I have heard the learned counsel for the appellant, counsel of the respondent No.1, learned A.P.G for the State and have gone through the record.

5. It appears that this criminal appeal was presented on 30.09.2016 and is still pending before this court. The appellants have remained in jail and learnt the lesson as they have undergone for their sentence and are being dragged since 2012 in the instant matter. Further learned counsel for the appellants submits that he is not pressing the appeal on merits but would be satisfied if the sentence awarded to the appellants may be reduced to one they had already undergone. Such proposal is not opposed by the learned A.P.G Sindh. Consequently, while taking a lenient view, the instant criminal appeal is **dismissed** but with modification that the sentence is reduced to one as already undergone including fine. The appellants are present on bail, their bail bonds stand cancelled and sureties discharged. Office is directed to return the surety papers after proper verification and identification.

JUDGE