

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Special Criminal Jail Appeal No. D- 106 of 2019

Date of hearing	Order with signature of Judge
------------------------	--------------------------------------

Present:

Mr. Justice Mehmood A. Khan,
Mr. Justice Khadim Hussain Tunio.

For hearing of main case.

Date of Judgment: **28.08.2024**

Mr. Muhammad Ayaz Shaikh, Advocate for appellant
Syed Sardar Ali Shah, Additional P.G.

---.

J U D G M E N T.

MEHMOOD A. KHAN, J;- The appellant was found to be in possession of 40 kilograms of charas by Excise police DIO camp Ubauro, for that he was booked and reported upon. On conclusion of trial, he was convicted U/S 9 (c) of CNS Act, 1997 and was sentenced to undergo imprisonment for life with fine of Rs. 300,000/- and in default whereof, to undergo simple imprisonment for 02 years, with benefit of Section 382-B Cr.PC, by learned 1st. Additional Sessions Judge/Special Judge for CNS (MCTC) Ghotki, vide judgment dated 29.05.2019, which he has impugned before this Court by preferring the instant appeal.

2. At the very outset, it is contended by learned counsel for the appellant that as per Jail Roll, the appellant has already undergone substantial sentence of 06 year and 16 days, besides this has also earned remission of 12 years, 08 months and 22 days, in that way he

has already undergone more than 18 years of sentence, therefore, he would not press the disposal of instant appeal on merits, provided the sentence awarded to the appellant may be treated as already undergone, which is not opposed by learned Addl.P.G for the State.

3. Heard arguments and perused the record.

4. The appellant is said to be sole bread earner of his family; no criminal record against him has been produced. By not pressing the disposal of his appeal on merits, he has shown remorse, thus there is likelihood of his reformation.

5. Under the above circumstances, the conviction awarded to the appellant for the offence punishable under section 9(c) CNS Amendment Act 2022 is based upon sound reasons. We agree with the trial Court's finding which requires no interference to the extent of conviction, however, we modify the term of sentence, reducing the same from life imprisonment to the term of imprisonment which he has already undergone leaving the fine and sentence in default of such fine unaltered. Subject to the above modification, the captioned appeal is dismissed. Appellant shall be entitled to the benefit of Section 382-B Cr.P.C.

JUDGE

JUDGE

Irfan/PA