

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Appeal No. S – 44 of 2025

(Nek Muhammad alias Neko versus The State)

Date of hearing : 25.09.2025

Date of decision : 25.09.2025

Mr. Abdul Kareem G. Luhrani, Advocate for appellant.
Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General.

J U D G M E N T

Mahmood A. Khan, J. – The appellant, Nek Muhammad alias Neko, has preferred this appeal against the judgment dated 19.04.2025, passed by the learned 1st Additional Sessions Judge / Model Criminal Trial Court (MCTC), Naushahro Feroze, in Sessions Case No.569/2023, arising out of Crime No.36/2023, registered at Police Station Bhiria City, whereby he has been convicted and sentenced under Section 24 of the Sindh Arms Act, 2013, to undergo rigorous imprisonment for four years and to pay a fine of Rs.10,000/-, or in default thereof, to undergo simple imprisonment for two months.

2. The facts, as narrated in the FIR, reveal that on 25.05.2023, SIP Muhammad Aslam Soomro along with his staff took accused Nek Muhammad and others from police lock-up for interrogation regarding Crime No.32/2023, registered at the same Police Station, under Sections 302, 201, 337-H(2), 149, PPC. During interrogation, the accused admitted their guilt and disclosed the location of weapons used in the main offence. Accused Nek Muhammad led police to the hedge near his house, where a plastic sack was recovered containing a Kalashnikov rifle resembling .222 bore with three live bullets, which was unlicensed and emitted the smell of gunpowder from the barrel. The weapon was seized and the subject FIR was registered against the present appellant.

3. After investigation and submission of challan, the learned trial Court framed charge and conducted trial. The appellant denied the allegations in his statement under Section 342, Cr.P.C. but did not produce defence evidence. The prosecution witnesses supported the prosecution story, and the learned trial Court convicted and sentenced the appellant as noted above.

4. Learned Counsel for the appellant submits an order dated 11.03.2025, passed by the learned 1st Additional Sessions Judge / MCTC, Naushahro Feroze in Sessions Case No.666/2023, arising out of Crime No.32/2023, registered at Police Station Bhiria City, under Sections 302, 201, 337-H(2), 149, PPC, whereby the compromise in the main case was accepted, resulting in acquittal of all accused including the present appellant. Learned Counsel, therefore, submits that he would not press the appeal on merits if the period of sentence the appellant has spent in jail is treated as sentence to him and the appeal is accordingly disposed of.

5. Learned DPG does not oppose the sentence being reduced as already undergone by the appellant who has been acquitted in the main case.

6. The jail roll of the appellant dated 25.09.2025 shows that he has served 05 months and 06 days of substantive sentence and earned remissions of 10 months and 08 days. The unexpired portion of sentence including fine is 02 years, 10 months and 16 days. The punishment provided under Section 24 of the Sindh Arms Act, 2013, is up to 10 years. Hence, there is no legal impediment or otherwise in acceding to the request of learned Counsel for the appellant particularly when it has not been opposed by learned DPG, and in view of the appellant's acquittal in the main case by way of compromise.

7. Accordingly, the appeal on merits is **dismissed**. The conviction awarded to the appellant under Section 24 of the Sindh Arms Act, 2013, is maintained; however, the **sentence** is **reduced** into the period already undergone by him including the period he has to suffer in default of payment of fine. The appellant shall be released forthwith if he is not required in any other custody case.

The appeal stands **disposed of** in the above terms.

J U D G E

Abdul Basit