

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Crl. Appeal No.S-50 of 2023

Appellant : Manthar son of Dhoolo Luhur,
through Mr. Abdul Sattar Janwari (Chandio),
Advocate.

The State : through Mr. Ali Anwar Kandhro, Additional
Prosecutor General Sindh.

Date of hearing : 02.11.2023.

Date of Order : 02.11.2023.

ORDER.

MUHAMMAD SALEEM JESSAR, J.- Through captioned appeal, appellant Manthar has challenged the judgment dated 11.05.2023, passed by Assistant Sessions Judge,-II Jacobabad, in Sessions Case No.243/2022, (Crime No.47/2022 of Police Station City Jacobabad, under Section 23(1)(a) 25, Sindh Arms Act, 2013), whereby the appellant was convicted and sentenced to suffer Simple Imprisonment of 5 years, with fine of Rs.50,000/-, in case of non-payment of fine to undergo six months further imprisonment. Benefit of Section 382-B, Cr.P.C was extended to the appellant.

2. Learned Counsel for the appellant at the very outset has stated that the appellant would be satisfied and will not press instant appeal on merits if the sentence awarded to him by the learned trial Court is reduced to the imprisonment, which the appellant has already undergone/served.

3. Learned Additional Prosecutor General concedes to the above request made by learned Counsel for the appellant.

4. I have perused the impugned judgment, so also the record.

47

5. According to the jail roll of appellant furnished by the jail authorities on 02.11.2023, the appellant has served ^{out ✓} 03 years, 01 month & 25 days, including remission. It is noted that this case is off-shoot of the main case vide Crime No.46/2022 of Police Station Civil Line Jacobabad, registered under Sections 401, 324, 353, 337-F(iii), 34, PPC, wherein the appellant was apprehended by police along with an unlicensed K.K after the alleged encounter between police and the culprits; after his arrest, he was continuously in custody during trial till the date of pronouncement of impugned judgment. Therefore, in my view, the mitigating circumstances do exist for considering the request of the appellant for reduction of sentence awarded to him by the trial Court. The appellant has no past criminal history.

6. Keeping in view the above situation, the appeal filed by the appellant is dismissed as not pressed; however, the sentence awarded to him is modified and reduced to a period already undergone including the fine. The appellant is confined in jail. He shall be released forthwith, if not required to be detained in any other case.


Judge

M.Y.Panhwar/**