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IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Crl. Appeal No.S-06 of 2022

Appellant : Allah Dino son of Sher Khan Chandio, in person.

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

Date of hearing : 03.11.2023.

Date of Order : 03.11.2023.

ORDER.

MUHAMMAD SALEEM JESSAR, J.- Through captioned appeal, appellant Allah Dino Chandio has challenged the judgment dated 08.02.2022, passed by III-Additional Sessions Judge, Larkana, in Sessions Case No.843/2020, (Crime No.110/2020 of Police Station Civil Line, under Section 24, Sindh Arms Act, 2013), whereby the appellant was convicted and sentenced to suffer R.I for 03 years and also to pay fine of Rs.10,000/- and in default thereof to suffer S.I for further period of one month. Benefit of Section 382-B, Cr.P.C was extended to the appellant.

2. Appellant who is present in person at the very outset has stated that he 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 he has already undergone/served.

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

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

5. According to the jail roll of appellant furnished by the jail authorities on 03.11.2023, the appellant has served 02 years, 04 month & 28

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days, including remission. Instant case was registered on behalf of State by complainant ASI Mushtaque Ali Chandio, mentioning therein that he along with staff was on patrol duty during which he received secret information that the absconding accused of Crime No.24/2019 of PS Aqil under Sections 302, 324, 337-H(2), 114, 34, PPC, namely, Allah Dino, (the present appellant) was waiting for conveyance. It is further asserted in the FIR that on receipt of such information, the complainant along with his staff proceeded to the pointed place, found the accused and apprehended him and recovered one 30 bore pistol along with magazine containing five live bullets of 30 bore. On query, the accused disclosed the same to be unlicensed. It is astonishing to note here that no any fire was made by either party, though the accused was armed with pistol along with five live bullets. 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. As per jail roll the appellant has served out more than half of the sentence; besides the punishment provided by the law is not specific and it may starts up to 14 years, therefore, the appellant has served out major portion which is sufficient punishment. In addition the offence pertains to the year 2020 and about three years he has been facing agony of trial before trial Court as well as this Court, therefore, the proposal so advanced by the appellant and very frankly conceded by Addl. P. G carries weight.

7. 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 on bail, his bail bond stands cancelled and surety discharged.

Judge