

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Appeal No. S- 09 of 2019.

Ajeeb Mirani.

.....Appellant.

Versus

The State.

.....Respondent.

Mr. Muhammad Afzal Jagirani, Advocate for appellant.
Mr. Sharafuddin Kanhar, A.P.G.

Date of hearing: 07.03.2019.

Date of Judgment: 07.03.2019.

JUDGMENT

Muhammad Saleem Jessar, J-. This criminal appeal is directed against the impugned judgment dated 18.01.2019 passed by learned Additional Sessions Judge-III, Shikarpur, in sessions case No.500/2018, Re; State v. Ajeeb, arisen out of Crime No.28/2018, registered with P.S Mari (District Shikarpur), for offence under Section 23 (1) (a) of the Sindh Arms Act, 2013, whereby the appellant was convicted and sentenced to suffer rigorous imprisonment for one year with fine of Rs.25000/-, and in default in payment of fine to suffer S.I for a period of three months, and benefit of section 382-B Cr.P.C was extended to the accused.

At the very outset learned counsel for appellant has prayed for a lenient view in the case, on the ground that the appellant and his family members are extremely poor, and he is the only earning member of his family; during confinement of appellant in jail, his family members are on the brink of starvation. Learned counsel has further contended that the appellant is a first offender and that he has already served out about half portion of sentence awarded to him.

Learned A.P.G. has conceded to the above submission made by learned counsel for appellant and extended no objection, if conviction and sentence of appellant is modified and reduced to a period already undergone by the appellant.

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I have considered the submissions made by learned counsel appellant that the appellant and his family are extremely poor persons and his family members are virtually starving due to confinement of the appellant in jail. Perusal of impugned judgment shows that the appellant was arrested on 24.11.2018 and since then he is behind bars, as such he has served out about half portion of the sentence. The appellant also appears to be first offender, as there is no such material on record that the appellant is already convicted in any other case. In the given circumstances, I am inclined to take a lenient view in the matter. Accordingly, the sentence awarded to the appellant, including the period he was to undergo in lieu of fine, is reduced to the period of his detention in jail he has already undergone. With the above modification in the sentence of appellant, this appeal is dismissed. The appellant shall be released forthwith, if his custody is not required in any other case.

JUDGE

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