

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Crl. Appeal No.S-26 of 2021

Appellants : Qurban @ Yaseen Bangulani,
through Mr. Habibullah G. Ghouri, Advocate.

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

Date of hearing : 13.05.2022.
Date of Order : 13.05.2022.

O R D E R.

MUHAMMAD SALEEM JESSAR, J. - Through captioned appeal, appellant Qurban alias Yaseen Bangulani has challenged the judgment dated 25.3.2021, passed by learned Additional Sessions Judge, -II dated 25.3.2021, passed by learned Additional Sessions Judge, -II in Sessions Case No.239/2019, (Crime No.32/2019 of Jacobabad, in Sessions Case No.239/2019, (Crime No.32/2019 of Jacobabad, in Sessions Case No.239/2019, (Crime No.32/2019 of Jacobabad, in Sessions Case No.239/2019, (Crime No.32/2019 of Police Station B-Section Thul, under Section 23(1)(a) & 25, Sindh Police Station B-Section Thul, under Section 23(1)(a) & 25, Sindh Police Station B-Section Thul, under Section 23(1)(a) & 25, Sindh Arms Act, 2013), whereby the appellant was convicted and sentenced to suffer R.I. for 5 years, with fine of Rs.30,000/-, in default to suffer S.I. for 3 months more. Benefit of Section 382-B, Cr.P.C was extended to the appellant.

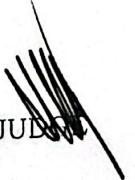
2. Learned Counsel for the appellant at the very outset has stated that the appellant would be satisfied and will not press instant appeal on merits if the sentence awarded to him by the learned trial Court is reduced to the imprisonment, which the appellant has already undergone/served.

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.

5. According to the jail roll of appellant furnished by the jail authorities on 09.4.2022, the appellant has served total sentence of 04 months and 13 days, excluding remission. It is noted that this case is off-shoot of the main case vide Crime No.25/2019 of Police Station B-Section Thul, registered under Sections 395, 397, PPC, wherein the appellant was not nominated in the FIR; the alleged robbed property was also not recovered from his possession; he was on bail during trial and was taken into custody by the trial Court on 25.3.2021 i.e. on 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 the appellant is modified and reduced to a period already undergone. The appellant is confined in jail. He shall be released forthwith, if not required to be detained in any other case.


JUDG