

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Jail Appeal No. D-55 of 2024

**PRESENT: Mr. Justice Riazat Ali Sahar
Mr. Justice Ali Haider 'Ada'**

Appellant : Through M/s. Habibullah G. Ghouri & Shakeel Ahmed G. Ansari, Advocates
Piyaro @ Saeed Rehman
son of Shahnawaz Pitafi
Bangulani

The State : Through Mr. Nazeer Ahmed Bhangwar, Deputy Prosecutor General, Sindh.

Date of Hearing : 09.06.2026

Date of Judgment : 09.06.2026

J U D G M E N T

Riazat Ali Sahar, J.- Through the captioned Criminal Jail Appeal, the Appellant has challenged the impugned judgment dated 13.06.2024 passed by learned Judge, Anti-Terrorism Court, Shikarpur, Camp at Jacobabad in Special Case No.59 of 2023 (*re-The State Versus Piyaro @ Saeed Rehman and others*), arisen out of Crime No.89 of 2023 registered at P.S. B-Section Thul, District Jacobabad, for the offences punishable under Sections 384, 386, 395, 397, 337-F(v), 148, 149 PPC & 6(2)k/7, 21-L of ATA, 1997. Through the said judgment, the appellant was convicted and sentenced as under;_

- (a) For the offence under section 386 PPC r/w section 149 PPC, to suffer R.I for (10) Ten years and to pay Rs.100,000/- (One Lac) fine, in case of default to pay fine amount, to suffer S.I for three months more.
- (b) For the offence under section 7 (1) (h) of ATA 1997, to suffer R.I for (10) Ten years and to pay Rs. 100,000/- (One lac) fine, in case of default to pay fine amount, to suffer S.I for three months more.
- (c) For the offence under section 337/F (v) PPC r/w section 7 (1) (c) of ATA 1997, to suffer R.I for (10) Ten years and to pay Daman of Rs.500,000/- (Five lacs) to be paid to victim/injured

complainant Abdul Rehman; besides, to pay Rs. 100,000/- (Fifty thousands) as fine, in case of default to pay fine amount, to suffer S.I for three months more.

- (d) For the offence under section 397 PPC r/w section 149 PPC, to suffer R.I for (10) Ten years.
- (e) For the offence under section 7(1) (i) of Anti-Terrorism Act 1997 to suffer R.I for (10) Ten years.
- (f) The property of accused Piyaro @ Saeed Rehman is also forfeited to the state as required under section 7 (2) of Anti-Terrorism Act 1997.
- (g) All the aforesaid sentences awarded to the accused were directed to run concurrently.

2. Brief facts of the prosecution case are that complainant Abdul Rehman lodged FIR at P.S B-Section Thull, District Jacobabad on 27.09.2023, stating that accused Piyaro @ Saeed Rehman Pitafi Banglani used to demand "bhatta"/extortion from him, which he refused. On 21.07.2023, while he alongwith his brother Mohammad Khan and cousin Noor Ahmed was proceeding towards Khanpur, District Shikarpur, near village Sodho Khan Banglani, six accused namely Piyaro @ Saeed Rehman, Fazal Rehman, Thangoo, Abdul Jabbar @ Ladi, Ali Dost and one unidentified accused, all armed with KKs, intercepted them. Accused Piyaro @ Saeed Rehman threatened the complainant for refusing to pay bhatta, while the co-accused robbed Rs.7,000/- and CNIC from the complainant, Rs.1,000/- from Mohammad Khan and Rs.5,000/- from Noor Ahmed. Upon resistance, accused Piyaro @ Saeed Rehman fired from his KK, causing firearm injury on the complainant's right leg. The accused then escaped on motorcycles. After receiving medical treatment at Thull, Larkana and Karachi, the complainant lodged the FIR against the accused.

3. Prior to registration of the FIR, ASI Imdad Ali Lashari noticed the injuries of complainant Abdul Rehman at Police Station B-Section, Thull, prepared a mashirnama in the presence of mashirs Abdul Hafeez and Abdul Karim, and issued a letter for his medical examination and treatment. The complainant was examined at Taluka Hospital, Thull, and was subsequently referred to CMC Hospital, Larkana, and thereafter to the Trauma Centre, Karachi. After his discharge, he appeared before the police station and lodged the aforesaid FIR. During investigation, Inspector Mian Javed Ahmed Mahar inspected the place of occurrence, prepared a mashirnama, recorded

statements of witnesses, sent the blood-stained clothes of the injured to the Chemical Examiner, and received the report. On 02.10.2023, accused Piyaro alias Saeed Rehman was formally arrested from District Jail Jacobabad and a mashirnama of arrest was prepared. The I.O also collected photographs of the complainant and accused and, on 08.10.2023, recorded further statements wherein the identity of co-accused Lakhmir son of Gada Ali Banglani was disclosed. Upon completion of investigation, challan was submitted before the trial Court and copies of police papers were supplied to accused Piyaro under section 265-C Cr.P.C. Subsequently, accused Lakhmir was arrested on 24.11.2023 and produced before the trial Court along with a supplementary challan, whereafter copies of police papers were supplied to him under section 265-C Cr.P.C. A formal charge was framed against both accused, who pleaded not guilty and claimed trial.

4. The prosecution in order to prove its case examined 10 witnesses and exhibited various documents. The statements of accused persons were recorded under Section 342 Cr.P.C in which they denied all the allegations leveled against them and they themselves did not examine on oath. After appreciating the evidence on record, the trial Court acquitted the accused Lakhmir, giving him benefit of doubt; however, convicted the present appellant Piyaro @ Saeed Rehman and sentenced him as set out earlier in this judgment. Hence, the appellant has filed this appeal against conviction.

5. Learned counsel for the appellant, after arguing the matter at some length, submitted that the learned trial Court, after conclusion of the trial, convicted and sentenced the appellant for several offences; however, the prosecution failed to establish the charge relating to demand of bhatta/extortion. He contended that neither the date, time, place, nor the person before whom such demand was allegedly made has been specified. According to him, the essential ingredients of the offence, namely: (i) date, (ii) time, (iii) place, and (iv) manner of commission, are altogether missing from the prosecution case. He further argued that no crime weapon or allegedly robbed articles were recovered from the possession of the appellant; therefore, the charge of robbery also remains unsubstantiated. Learned counsel submitted that, at the most, the appellant could be held liable for causing a firearm injury on the right leg of the complainant, which, according to the Medical Officer, falls within the category of Ghayr-Jaifah Hashimah and

carries a maximum punishment of five years. He pointed out that the appellant has already undergone such period of imprisonment. He further stated that the appellant is not inclined to contest the appeal on merits and places himself at the mercy of the Court. He, therefore, prayed that if this Court is not inclined to acquit the appellant, the sentence may be reduced to the period already undergone.

6. Conversely, learned Deputy Prosecutor General, Sindh, opposed the prayer for acquittal; however, he raised no objection if a lenient view is taken and the sentence is modified to the period already undergone.

7. We have heard the learned counsel for the appellant, the learned Deputy Prosecutor General for the State, and have carefully examined the entire record of the case. The instant appeal has remained pending before this Court since 2024. According to the Jail Roll dated 09.12.2025 submitted by the Senior Superintendent/Officer In-Charge, Central Prison Correctional Facility, Sukkur, pursuant to the directions of this Court, the appellant had already undergone imprisonment for a period of 04 years, 10 months and 17 days, inclusive of remissions, as of the said date. By now, the appellant has completed more than five years of incarceration.

8. A tentative assessment of the evidence available on record reveals that the prosecution has not been able to establish beyond reasonable doubt the offences punishable under Sections 386 and 397 read with Section 149 PPC, nor the offences under Sections 7(1)(c), (h), (i) and 7(2) of the Anti-Terrorism Act, 1997, to the extent attributed to the appellant. However, the material on record sufficiently brings the case within the ambit of Section 337-F(v) PPC, which prescribes punishment extending to four years' imprisonment as Ta'zir and also entails liability for payment of Daman.

9. It is an admitted position that the appellant has already undergone imprisonment for a period substantially exceeding the maximum sentence prescribed under Section 337-F(v) PPC. Consequently, the substantive sentence stands fully served out. Nevertheless, in terms of Sections 337-Y and 337-Z PPC, the liability for payment and disbursement of Daman survives independently and remains enforceable notwithstanding the completion of the custodial sentence. Accordingly, the appellant shall remain liable to pay Daman in the sum of Rs.50,000/- to the injured person in accordance with law.

10. Having regard to the period already undergone, the nature of the offence ultimately attracted from the evidence, and the fact that the appellant has remained behind bars for a duration exceeding the maximum punishment prescribed therefor, we are of the considered view that the ends of justice would be adequately met by reducing the sentence to the period already undergone while maintaining the order regarding payment of Daman. There being no legal impediment in extending such relief, the appeal is liable to be allowed to the extent indicated above.

11. Accordingly, while maintaining the conviction, and with a view to providing the appellant an opportunity to reform, rehabilitate, and reintegrate into society as a useful and law-abiding citizen, the sentence awarded to him is reduced to the period already undergone, including payment of fine, if any. However, the appellant shall remain liable to pay Daman of Rs.50,000/- to the injured/victim in five equal installments within a period of two years.

12. Consequently, this Criminal Appeal is appeal is partly allowed to the extent of modification in with the modification that the substantive sentence awarded to the appellant shall be deemed to have been undergone. The appellant is presently in custody and shall be released forthwith, if not required in any other case, subject to payment of the first installment of Daman amounting to Rs.10,000/-.

The instant Criminal Appeal stands dismissed in the above terms.

JUDGE

JUDGE