

**JUIDGMENT SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
MIRPURKHAS**

Criminal Appeal No.S-109 of 2024

Appellant:	Leemon Kolhi s/o Khairoo Kolhi, (present in person).
Respondent:	The State through Mr. Ghulam Abbas Dalwani, Deputy Prosecutor General Sindh.
Complainant:	Kheto S/o Karman (present in person) Through Mr. Prem Chand, Advocate.
Date of hearing:	03.09.2025.
Date of Decision:	03.09.2025.

**J U D G M E N T**

**AMJAD ALI SAHITO, J.** Through the captioned Criminal Appeal, the appellant has challenged the judgment dated 16.03.2021, passed by learned trial Court/Additional Sessions Judge-II/GBV Court, Mirpurkhas in Sessions Case No.471 of 2020, Crime No.71 of 2020 registered at PS Taluka Mirpurkhas for the offence under section 376, 511 PPC, whereby the appellant was convicted and sentenced to suffer R.I for 15 years and to pay compensation of Rs.200,000/- to the victim and in default whereof to suffer S.I. for 12 months more.

**2.** Learned counsel for the appellant is called absent.

**3.** On the other hand Mr. Prem Chand appeared and filed Vakalatnama on behalf of the complainant, which is taken on record. However complainant is present in court sworn affidavit, which bears his thumb impression, wherein he stated that due to wrong identification of accused he had given the name of the appellant/accused in the FIR and he has no objection if this Court allow instant Criminal Appeal or dispose of the same.

**4.** On the other hand, learned Deputy Prosecutor General Sindh appearing for the State has opposed the

acquittal of appellant but raises no objection in case, a lenient view is taken against him by dismissing the appeal treating the sentence to one as already undergone.

**5.** I have heard the complainant in person, the learned counsel for the complainant, as well as the learned Deputy Prosecutor General for the State, and have carefully examined the record. Admittedly, the appellant has not committed the offence of *zina* with the victim; the only allegation against him is that he attempted to remove her *shalwar*. The complainant, Kheto, is present before the Court and has filed an affidavit, wherein he has stated that due to mistaken identification, the name of the appellant was mentioned in the FIR. He has further affirmed that he has no objection if the appeal is allowed.

**6.** During the pendency of the appeal, the Jail Roll of the appellant requisitioned. As per the Jail Roll received from the Senior Superintendent, Central Prison & C.F. Mirpurkhas, it has been certified that the appellant/accused has undergone a sentence of 4 years, 10 months, and 9 days without remission, up to 03.09.2025, and has further earned remission of 5 years, 11 months, and 02 days. Hence the appellant has served out the substantial portion of his sentence and appears to have reformed. Accordingly, taking a lenient view, the instant Criminal Appeal is dismissed with modification to the extent that the sentence is reduced to that already undergone by the appellant, including compensation amount. The appellant, being in custody, shall be released forthwith, if not required in any other custody case.

**7.** Instant Criminal Appeal stands **dismissed** with the above modification.

**JUDGE**