

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS

Criminal Appeal No.S-158 of 2024
Old Criminal Appeal No.S-163 of 2020.

Appellant : Muhammad Rafique s/o Muhammad Saleh
Through Mr. Ghulamullah Chang advocate

The State : Through Mr. Neel Parkash,
Deputy P.G

Date of hearing : 09-09-2025.

Date of decision : 09-09-2025

J U D G M E N T

Amjad Ali Sahito, J:- This judgment shall decide the fate of the captioned Appeal preferred by appellant Muhammad Rafique s/o Muhammad Saleh, impugning the judgment dated 23-09-2020, passed by learned Additional Sessions Judge-I/MCTC Umerkot, in Sessions Case No.83/ 2020 (Re. St.Vs.Muhammad Rafique), vide FIR Crime No.09/2020, registered for offence punishable under Sections 23(1)(a) of Sindh Arms Act, 2013 at Police Station Pithoro, whereby he was convicted and sentenced to suffer R.I for two years and to pay fine of Rs.5,000/=, and in case of default thereof, to suffer S.I for six months more. However, benefit of section 382-B Cr.P.C was extended to the appellant.

2. The brief facts of the prosecution case as per FIR lodged by complainant ASI Muhammad Ashraf Ghouri at Police Station Pithoro on 11-05-2020 are that during patrolling they arrested appellant/ accused Muhammad Rafique from Grid Station curve, Pithoro-Bacha Band road and from his personal search recovered an unlicensed 30 bore pistol containing three live bullets in its magazine from his possession. After sealing the recovered arms and ammunition and preparing such mashirnama, they brought the appellant/ accused alongwith recovered property at police station where complainant lodged instant FIR.

3. After completion of usual investigation, the I.O submitted a police a report under section 173 Cr.P.C before the trial court. After supplying copies of necessary documents to the appellant,

charge was framed against him, to which he pleaded not guilty and claimed trial.

4. At trial, the prosecution to prove its' case, examined in all four (04) witnesses, who produced numerous documents and then learned Prosecutor closed the prosecution side by filing statement. Thereafter, statement of the appellant/ accused under section 342 Cr.P.C was recorded wherein he denied the allegations being false and claimed his innocence. However, accused neither examined himself on oath as required under section 340(2) Cr.P.C nor led evidence in his defence. After hearing learned counsel for both parties, learned trial Court convicted the appellant through impugned judgment, hence this Criminal Appeal.

5. Appellant and his counsel are called absent, no intimation received. However, I have perused the record, which reflects that appellant was convicted and sentenced R.I for two years and to pay fine of Rs. 5000/= and in case of default thereof to suffer S.I for six months more. Record further reflects that after suspension of sentence and grant of bail, appellant remained absent. However, learned D.P.G submitted that appellant has remained in jail for sufficient period and has learnt the lesson and he has no objection for reduction of sentence as one of already undergone. Therefore, in such circumstances instant Criminal Appeal is **dismissed**; however, conviction and sentence awarded through impugned judgment dated 23-09-2020 by the learned trial court to the appellant for an offence under section 23(1)(a) of Sindh Arms Act, 2013 in FIR No. 09/ 2020 of PS Pithoro is converted from R.I for two years to imprisonment he has already undergone alongwith fine. **Consequently, instant Criminal Appeal stands disposed of with the above modification.** Since the appellant is on bail in this matter; hence his bail is cancelled and surety stands discharged. Office is directed to return the surety papers to the surety after proper verification and identification.

JUDGE

