

JUDGMENT SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Appeal No. 272 of 2015

Date of hearing: 04-01-2016.

Date of Judgment: 14-01-2016.

Appellants: Muhammad Hassan, Abbas, Masood, Roohullah, Ibrahim, Muhammad and Raza through Mr. Muhammad Jamil, advocate.

The State: Through Mr. Muhammad Qasim, Standing Counsel.

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**MAHMOOD AHMED KHAN, J:-** The appellants Muhammad Hassan s/o Mubarik, Abbas s/o Abdullah, Masood s/o Abdullah, Roohullah, s/o Safar, Ibrahim s/o Shahdad, Muhammad s/o Murad and Raza s/o Ghulam Raza are Iranian nationals having been charged and convicted under Sections 6 (1) (g) (h) of Passport Act, 1974 and sentenced to suffer R.I. for six months and to pay fine of Rs. 5,000/- each, in default of the said payment to further undergo S.I. for 15 days, alongwith under section 14 of Foreigners Act, 1976, sentenced to undergo R.I. for six months and to pay fine of Rs. 10,000/- each also and in default of payment of fine to undergo S.I. for one month by pleading guilty to the charges. The benefit of section 382-B Cr. P.C. was also extended to the accused persons by order of Special Judge, Central-I, Karachi dated 17-10-2015.

2. Without deliberating upon the merits of appeal under Section 412 Cr. P.C. for conviction on the plea of guilt other than to the extent of legality of sentence, it is stated by the learned counsel for the appellants that the said appellants have paid the required fine, receipt is annexed as Annexure "D" page 39 of the main appeal in the sum of Rs. 105,000/-, travel documents have also been acquired copies

attached from Annexure "C" page 21 to 31 alongwith copy of the tickets at page 33.

3. The learned counsel has relied upon reported case NLR 1994 Cr. Page 156, the case of Novakeva Bermadett V/s The State wherein it was considered that where the convicts are foreign nationals no helpful purpose will be served in keeping them in confinement in Pakistan.

4. The Jail Roll in the matter was also called wherein as on 13-11-2015 the unexpired portion of the sentence is 3 months and 15 days.

5. Learned Standing Counsel appearing for the State has given his no objection in the matter.

6. Accordingly, the appeal is dismissed, the conviction and sentence awarded by the trial Court is maintained with modification in the sentence of the appellants to the already undergone. As such, the appellants be released if not required in any other case for departure from Pakistan as soon as possibly, the same be arranged as no useful purpose is served in keeping them imprisoned in Pakistan.

7. Needless to say that Jail authorities are required to ensure that the custody of the appellants is handed over to the concerned authorities for deportation/departure.

**J U D G E**

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