

Judgment sheet.  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD.**

Cr. Rev. Appln.No.S-44 of 2013.

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| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For regular hearing.

Date of hearing: 12 .09.2017.

Date of judgment: 12.09.2017.

Appellant: In person.

The State Through Syed Meeral Shah DPG

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

**ABDUL MAALIK GADDI, J**:- Being aggrieved and dissatisfied with the order passed by the appellate court of learned VIth Additional Sessions Judge Hyderabad in criminal appeal No.26 of 2011 vide crime No.11 of 2011 of PS City Hyderabad, under section 420, 489-F, 34 PPC, whereby the learned appellate court dismissed the appeal of appellant and maintained the impugned judgment passed by learned Civil Judge & Judicial Magistrate-X Hyderabad, wherein, the learned trial court after full-dressed trial convicted and sentenced the appellant as stated in the findings on point No.3 of the impugned judgment, which reads as under:-

“In the light of above discussion, I reached at the conclusion that prosecution has proved its case against accused Muhammad Saleem s/o Muhammad Hanif Abbasi beyond all shadow of doubts and he is found guilty for the offence only under section 489-F PPC. Consequently, I hereby convict accused under section 245(ii) Cr.P.C and sentence him to undergo RI for one year and to pay fine of Rs.5000/-only. In failure to payment of fine the accused shall undergo

further SI for one month. The accused is present on bail, his bail bond stands cancelled and surety discharged. He is taken into custody and sent to jail to serve out the sentence.”

2. Brief facts of the case of prosecution as disclosed in the FIR are that complainant Mst. Rehana Bano d/o Muhammad Roshan Abbasi lodged FIR on 28.1.2011 at about 1100 hours stated therein that she moved an application before the Court of law and after getting the orders dated 28.1.2011 lodged instant FIR. She has stated in her FIR that she was married with Muhammad Saleem on 05.6.2009 thereafter on 10.6.2010 Muhammad Saleem was pronounced divorce her and seized dowry articles. Saleem issued cheque Rs.25,000/-for the purpose of Haq Mehar of NIB Bank Risala Road Hyderabad through account No.CA 14660219 dated 05.1.2011 and said cheque has bounced as account of Saleem has been closed as per report of bank. Saleem and his friend Sagheer issued threats of dire consequences, hence, this FIR.

3. It is stated by the appellant that on merit though he has a good case for his acquittal on the ground that case of the prosecution is false and the evidence of the prosecution witnesses are on record, is contradictory to each other; that he is facing agony of protracted trial since 2011 without his fault, therefore, according to him, he would be satisfied and shall not press this Criminal Revision on merit, if the sentence awarded to him by the learned trial court reduced to the period which he has remained in jail and the fine is remitted. As per applicant he has remained in jail for a considerable time. The appellant was granted bail by this Court under section 426 Cr.P.C vide order dated 29.03.2013 and since then appellant is attending this Court regularly and the

appellant is in young age and he has no past criminal history. The appellant is only source for earning of his family.

4. Learned D.P.G after going through the record tenders no objection to above proposal.

5. I have thoroughly examined the record with the able assistance of learned D.P.G. In view of the record, I am of the opinion that the conviction of the appellant is based on cogent reasons. The appellant is first offender. No past criminal history against him is placed on record. He is young in age and remained in jail for a considerable period, therefore, in the present scenario of the case, the appellant has been sufficiently punished. Under these circumstances, he needs to be given chance in his life to rehabilitate himself.

6. Consequently, in view of above, the appellant deserves leniency. While taking lenient view, I dismiss this Criminal Revision Application on merits, however, reduce the sentence to one already undergone by the appellant and fine is hereby remitted. Appellant is present on bail, his bail bonds stand cancelled and surety discharged.

**JUDGE**