

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr. Appeal No.S-85 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

- 1. For orders on office objection.
- 2. For Katcha Peshi.

12.06.2018.

Mr.Imtiaz Ali Abbasi, Advocate for the appellant.
Ms. Sana Memon, APG for the State.
=====

1. It is contended by the learned counsel for the appellant that the appellant could not file his appeal within time, as he being poor was not intimated to do so by the Jail Authorities. By contending so he sought for admission of appeal of the appellant to its regular hearing to meet with the ends of justice. In support of his contention he relied upon case of **Adil Hussain Vs. The State** reported at **2003 YLR 1901.**

2. The learned APG raised no objection for admitting the appeal of the appellant to regular hearing by contending that right of fair trial could not be denied to the appellant in criminal appeal like the present one on point of limitation alone.

3. In view of above, the instant appeal of the appellant is admitted to regular hearing. Notice to other side. Learned APG waived the notice.

4. By way of instant criminal appeal, appellant Qaisar Abbas, has impugned judgment dated 08.11.2017, of learned Sessions Judge, Jamshoro in Sessions Case No.292 of 2016, outcome of FIR Crime No.294/2016 of P.S. Jamshoro, whereby he finding the appellant guilty for an offence punishable u/s 23(1)(a) of Sindh Arms Act, 2013, convicted and sentenced the appellant to undergo R.I for period of three years with fine of Rs.5000/-, in case of default in payment of fine, to undergo S.I. for a period of three months, with benefit of section 382-B Cr.P.C. for being in possession of unlicensed pistol of 30-Bore.

2. At the very outset, learned counsel for the appellant stated that he would not press the disposal of instant appeal on merit, if the conviction and sentence are

recorded against the appellant by the learned trial Court are reduced to the quantum of conviction and sentence which the appellant has already undergone.

4. Learned A.P.G. recorded no objection to the above said proposal of the learned counsel for the appellant.

5. I have considered the above arguments and perused the record.

6. As per Jail Roll, the appellant has already undergone substantial sentence of more than eighteen months and has also earned remissions of more than six months, which appears to be sufficient punishment for the offence, which he allegedly has committed. Beside above, the appellant has already suffered agony of protracted trial for about two years, therefore, looking to the facts and circumstances of the present case, the conviction and sentence recorded against the appellant by way of impugned judgment by the learned trial Court are reduced to one which is already undergone by him, which shall include the S.I. on account of failure of the appellant to make payment of fine.

With above modification in impugned judgment, the instant appeal is dismissed.

JUDGE

S