

# IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Revision Application No.S-38 of 2020

Date of hearing: 28.09.2020  
Date of Judgment: 28.09.2020  
Applicant: Muhammad Akhtar through Mr. Mohsin Raza Gopang, Advocate.  
Complainant: Imran Ahmed Khan through Mr. Faisal Baloch, Advocate  
State: Through Ms. Sobia Bhatti, Asst. Prosecutor General, Sindh.

## **JUDGMENT**

**ABDUL MAALIK GADDI, J-** Through this Criminal Revision Application, applicant Muhammad Akhtar s/o Muhammad Yameen Qureshi has called in question the judgment dated 11.03.2020 passed by 3<sup>rd</sup> Additional Sessions Judge, Hyderabad in Criminal Appeal No.07 of 2020 whereby the appellate Court while dismissing the said appeal maintained the conviction and sentenced of the applicant so recorded by the trial Court through judgment dated 22.02.2020 passed by Model Trial Magistrate Court-II, Judicial Magistrate-1, Hyderabad in Criminal Case No.1986 of 2019 (Re: The State v. Muhammad Akhtar) arising out of Crime No.145 of 2019, registered at Police Station Market Hyderabad, for an offence under Section 489-F PPC, whereby the applicant was convicted and sentenced to suffer R.I for one (01) year and to pay fine of Rs.10,000/- (Rupees Ten Thousand), in case of non-payment of fine, he shall suffer S.I for one (01) month more with benefit of Section 382-B Cr.P.C.

**2.** Concisely, the facts as portrayed in the F.I.R are that the applicant had issued a cheque of Rs.5,00,000/- [Rupees Five Hundred Thousand] to the complainant on account of some business transaction, however, when the said cheque was presented before the concerned bank i.e. UBL Bank Gul Centre Branch Hyderabad for its encasement, the same was dishonoured.

**3.** It is noted that the trial Court after full dressed trial convicted and sentenced the applicant as stated in the introductory paragraph of the judgment.

4. Learned counsel for the applicant, at the very outset, submits that though the applicant has a good case on merit but since the applicant has served out major portion of his sentence therefore, he would be satisfied and shall not press this Criminal Revision Application if the sentence awarded to the applicant is reduced to one as already undergone.

5. Conversely, learned A.P.G assisted by learned counsel for complainant although supports the impugned judgments however, at the same time concedes the submission made by the counsel for applicant on the ground that since the conviction awarded to the applicant is only one year and he has served out major portion of his sentence.

6. I have heard the learned counsel for the parties and have gone through the record.

7. It is noted that through judgment dated 22.02.2020, the applicant was convicted and sentenced to suffer R.I. for one (01) year with fine of Rs.10,000/- and on the same day he was taken into custody and sent to jail for serving out the said sentence. However, it appears from the record that applicant has already served out major portion of his sentence i.e. seven (07) months and six (06) days excluding remission. Nothing has come on record as to whether the applicant has ever remained involved in such type of cases or he was convicted.

8. In view of the above, I am of the considered view that applicant has learnt the lesson as has remained sufficient period of his sentence behind the bars. Accordingly, this Criminal Revision Application is **dismissed** and conviction is hereby maintained by modifying the sentence, awarded by the trial Court through judgment dated 22.02.2020 to the applicant, is reduced to one as already undergone. However, the fine amount of Rs.10,000/- [Rupees Ten Thousands] shall have to pay by the applicant and in default whereof, he shall suffer S.I for one (01) month. The concerned Jail authorities are directed to release the applicant forthwith, if he is not required in any other custody case subject to payment of fine amount.

Instant Criminal Revision Application is **dismissed** with above modification.

**JUDGE**

**\*Hafiz Fahad\***