

## IN THE HIGH COURT OF SINDH, KARACHI

### Criminal Appeal No. 546 of 2019

Irshad Ali son of Dilshad Ali.....Appellant

Versus

The State.....Respondent

Date of Hearing & Judgment :- **23.07.2020**

Mr. Maroof Hussain Hashmi, advocate for appellant  
Mr. Talib Ali Memon, APG for the State

### **J U D G M E N T**

**FAHIM AHMED SIDDIQUI, J:** Instant appeal is directed against the impugned judgment dated 13.06.2019 passed by learned Assistant Sessions Judge-IV, Karachi East, in Sessions Case No.1035/2018, initiated vide FIR No.176/2018 registered under Section 394/34 PPC at PS Jamshed Quarters whereby the appellant has been convicted for offence under Section 394 PPC and was sentenced to suffer RI for 05 years and to pay fine of Rs.30,000/- and in case of default thereof, to further undergo SI for three months.

2. The case against the appellant is that the complainant was reciting Quran in a room situated at roof of Masjid when appellant entered into room and on the show of weapon, snatched Rs.3000/- and some other documents on which complainant resisted and shouted on which appellant and his companion standing outside room, fled away.

3. Learned counsel for the appellant submits that appellant is innocent and has been falsely implicated in the case. He submits that there are many contractions in the impugned judgement but he failed to point out the same. However, he points out that as per jail roll available on record, the appellant has already undergone RI for about 02 years and 07 months out of total RI for 05 years, as such, he submits that some leniency may be taken in the instant case. Learned APG supports the impugned judgment.

5. I have heard the arguments and gone through the available record. In the instant case, the appellant has been convicted and awarded sentence of RI for 05 years as well as fine of Rs.30,000/-, in default whereof he has to serve SI for 03 month more. As per report of Jail Superintendent, the appellant has served 02 years and 07 months.

6. I have gone through the depositions and it appears that the witnesses are firm and there was no major contradiction in their instance taken before learned trial court. However, I consider that quantum of sentence is excessive. Therefore, while dismissing the instant appeal, I reduce the sentence as already undergone including the sentence in lieu of fine. The appellant is in jail. The Superintendent Prison concerned is directed to release the appellant abovenmed forthwith if he is not required in any other custody case.

**J U D G E**