

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Criminal Jail Appeal No.D-50 of 2020

Before;

Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Irshad Ali Shah

Appellant: Girdani alias Giddu son of Peetho Kolhi,
Through Agha Abdul Nabi Advocate.

State: Mr. Muhammad Ayoub Kassar, Special
Prosecutor for ANF.

Date of hearing: 02.12.2020

Date of decision: 02.12.2020

JUDGMENT

IRSHAD ALI SHAH, J. The appellant for being in possession of 1400 gram of opium was booked and reported upon by the police. On conclusion of trial, he was found guilty therefore, for an offence punishable under section 9 (c) of CNS Act, 1997 was convicted and sentenced to undergo R.I for four years with fine of Rs.8,000/- and in case of his failure to make payment of fine to undergo S.I. for four months and fifteen days by learned Sessions / Special Judge Control Narcotic Substance, Hyderabad vide his judgment dated 26.11.2019, which is impugned by the appellant before this Court by way of instant appeal.

2. At the very outset, it is stated by learned counsel for the appellant that he would not press the disposal of instant appeals on merits, if the sentence/conviction awarded to the appellant by learned trial Court is reduced to one which is already undergone by the appellant for the reasons that the appellant is first offender and only earning member of his family.

3. Learned Prosecutor for ANF however, by supporting the impugned judgment prayed for dismissal of the instant appeal.

4. We have considered the above arguments and perused the record.

5. There is no independent witness to the incident. There is nothing on record which may suggest that the appellant is having a criminal record.

The appellant is said to be the only earning member of his family and he has already suffered the agony of protracted trial for more than three years which call for lenient view. As per jail roll furnished by the jail authorities on 21.10.2020 the appellant has already undergone 11 months and five days of substantial sentence and beside this he has earned 09 months and six days of remission, which appears to be sufficient punishment in the circumstances of the case, therefore, the conviction/sentence awarded to the appellant is reduced to one which is already undergone by him with fine of Rs.8,000/- and in case of default to make payment of fine, he would undergo simple imprisonment for period of fifteen days with benefit of section 382-B Cr.P.C.

6. The instant appeal is disposed of accordingly.

J U D G E

J U D G E