

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Criminal Appeal No.D-120 of 2020

Before;

Mr. Justice Khadim Hussain Tunio
Mr. Justice Irshad Ali Shah.

Appellant: Mst. Zohran wife of Fayyaz b/c Sheikh,
Through Mian Taj Muhammad Keerio,
advocate.

State: Ms. Safa Hisbani, A.P.G

Date of hearing: 28.01.2021

Date of decision: 28.01.2021

JUDGMENT

IRSHAD ALI SHAH, J. The facts in brief necessary for disposal of instant Criminal Appeal are that on arrest from the appellant was allegedly secured 1050 grams of charas by police party of PS Tando Adam city led by complainant SIP Muhammad Sharif, for that she was booked and reported upon accordingly. On trial, she was found guilty for the above said offence and was convicted and sentenced to undergo Rigorous Imprisonment for five years and to pay fine of rupees one lac and in default whereof to undergo Simple Imprisonment for ten months by learned 1st Additional Sessions Judge/Special Judge Narcotics (MCTC), Tando Adam vide his judgment dated 16.12.2020, which is impugned by the appellant before this Court by way of preferring the instant Criminal Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that the appellant is having a suckling baby and there is no conviction in her credit therefore, he would not press the disposal of instant Criminal Appeal on merits, if the conviction/sentence awarded to the appellant is reduced to one which is already undergone by her

3. Learned A.P.G for the State has opposed to the proposal advanced by learned counsel for the appellant by contending that the offence which the appellant has committed is affecting the society at large.

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

5. The complainant has failed to associate with him any independent person to witness the possible arrest and recovery despite having advanced information for the incident, such omission on his part could not be overlooked. As per report of chemical examiner only 50 grams of the charas has been subjected to chemical examination, which appears to be significant. The appellant is female and she it is said is having a suckling baby. As per jail roll she has already undergone 03 months and 17 days of substantial sentence and beside this has also earned remission for 04 days, which appears to be sufficient

punishment for the above said offence, in the circumstances of the case, a case for lenient action obviously is made out, therefore, the conviction/sentence awarded to the appellant is reduced to one which she has already undergone with fine of Rs.10,000/- and in case of default in payment of fine, she would undergo simple imprisonment for ten days with benefit of section 382-B Cr.P.C.

6. The instant Criminal Appeal is disposed of accordingly.

J U D G E

J U D G E

Ahmed/Pa,