

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Appeal No.S-86 of 2013

Appellant: Ghouseo alias Ghous Bukhsh through Mr. Zahid Mallah, Advocate.

Respondent: The State, through Ms. Rameshan Oad, APG.

Complainant: Muhammad Akhtar (in person).

Date of hearing: 08-02-2021.

Date of decision: 08-02-2021.

JUDGMENT

IRSHAD ALI SHAH, J: The appellant by preferring the instant Criminal Appeal has impugned judgment dated 9th July, 2013 passed by learned Additional Sessions Judge, Tando Adam whereby he has been convicted and sentenced as under;

“(1) Rigorous Imprisonment for a term of 07 years for abducting minor baby Sadaf U/S 364-A, (2) Accused is also convicted U/S 376 PPC for the imprisonment for terms of 25 years and he is liable to pay fine of Rs.1,00,000/- (Rupees One Hundred Thousand only) to the victim and in case of default thereof he shall suffer five years more imprisonment/sentence. All the sentences shall run concurrently. The accused also entitled to benefit of section 382-B Cr.P.C.”

2. It is alleged that the appellant abducted baby Sadaf and then subjected her to rape, for that he was booked and reported upon by the police.

3. On trial, the appellant was found guilty for the above said offence and then was convicted and sentenced accordingly as is detailed in the impugned judgment.

4. At the very outset, it is stated by learned counsel for the appellant that he would not press the disposal of instant appeal on merit if, imprisonment of five years, which the appellant has been ordered to undergo on account of his failure to make payment of fine of rupees one lac is reduced to six months by making it in conformity to section 544-A Cr.P.C.

5. Learned A.P.G for the State assisted by the complainant was fair enough to accept the proposal of learned counsel for the appellant.

6. In view of above, it is ordered that on account of failure of the appellant to make payment of fine he would undergo Simple Imprisonment for Six Months.

7. Subject to above modification the instant Appeal is dismissed as not pressed.

JUDGE