

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Appeal No.331 of 2021

<i>Date</i>	<i>Order with signature of Judge</i>
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For hearing of M.A No.6376/2021.

17.09.2021

Mr. Javed Ahmed Rajput, Advocate for the Appellant.
Mr. Malik Sadaqat Khan, Special Prosecutor SSGC.
Mr. Zahoor Shah, Deputy Prosecutor General, Sindh.

ORDER

Muhammad Saleem Jessar, J:- This criminal appeal is directed against the impugned judgment dated **08.06.2021**, passed by learned District & Sessions Judge, Karachi (South), in the Sessions Case No.988/2016, arisen out of Crime No.88/2016, registered at P.S SSGC, Karachi, for offence under Section 15 of Gas (Theft Control & Recovery) Act, 2016/34 PPC, whereby the appellant was convicted and sentenced to suffer rigorous imprisonment for five years with fine of Rs.500,000/-, and in default in payment of fine to suffer S.I for a period of three months more as simple imprisonment.

At the very outset learned counsel for appellant submits that entire outstanding against the appellant was Rs.475,000/- and out of said amount, appellant had already deposited Rs.250,000/- on 08.12.2016 whereas, remaining amount of Rs.225,000/- has been deposited by him on 16.09.2021. He, therefore, submits that the disputed amount is no longer due on his part, therefore, he may be discharged from the liability and may be acquitted of the charges. He has further prayed for a lenient view in the case, on the ground that the appellant and his family members are extremely poor, and he is an old age person having age of about 65 years.

On the other hand, learned Special Prosecutor SSGC as well as learned Deputy P.G, Sindh affirm above statement and submit that entire outstanding amount against appellant has been paid by him, therefore, they have no objection if by taking lenient view, the period already

undergone by the appellant may be considered and he may be released. Learned Deputy P.G, Sindh as well as Special Prosecutor SSGC have also no objection if period of incarceration which he was to undergo in lieu of fine, may be reduced to the period of his detention he has already undergone.

I have considered the submissions made by learned counsel for appellant that the appellant and his family are extremely poor persons and he is an old aged person having age of about 65 years. However, he has also paid all outstanding amount to the complainant company.

In the given circumstances I am inclined to take a lenient view in the matter. Accordingly, the sentence awarded to the appellant including the period he was to undergo in lieu of fine, is reduced to the period of his detention in jail he has already undergone. With the above modification in the sentences of appellant, this appeal is dismissed. The appellant shall be released forthwith, if his custody is not required in any other case.

JUDGE

Zulfiqar/P.A