

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Appeal No.102 of 2018**

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<i>Date</i>	<i>Order with signature of Judge</i>
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1. *For orders on M.A No.1376/2018.*
2. *For hearing of Case.*
3. *For hearing of M.A No.1229/2020.*

**21.09.2021**

Mr. Shabbir Ahmed, Advocate for the Appellant.  
Mr. Khadim Hussain, Addl. Prosecutor General, Sindh.

**ORDER**

**Muhammad Saleem Jessar, J:-** This criminal appeal is directed against the impugned judgment dated **01.02.2018**, passed by learned Additional Sessions Judge, Sujawal, in the Sessions Case No.339/2014, arisen out of Crime No.46/2014, registered at P.S Mirpur Bathoro, for offence under Section 397/337-A(ii)/337-F(vi)/337-H(ii) PPC, whereby the appellant was convicted and sentenced for following offences;\_

1. *The accused Ameen son of Gul Baig was convicted for the offence punishable under Section 397 PPC, to suffer R.I for seven years.*
2. *The accused Ameen son of Gul Baig was further convicted for the offence punishable under section 337-A(ii) PPC, to suffer R.I for five years and to pay Arsh equal to five per cent of Diyat amount. In case of default in payment of arsh, he was directed to suffer S.I for four months more.*
3. *The accused Ameen son of Gul Baig was also convicted for the offence punishable under section 337-F(vi) PPC, to suffer R.I for five years and to pay Daman of Rs.25000/-. In case of default in payment, he was directed to suffer S.I for four months more.*

However, benefit of section 382-B Cr.P.C was also extended to the appellant/convict.

Pursuant to directions contained under earlier order, Senior Superintendent, Central Prison & Correctional Facility, Hyderabad, has submitted jail roll of appellant Ameen dated 20.09.2021 through MIT-II,

which reveals that appellant Ameen son of Gul Baig has earned remissions upto 20.09.2021 as 02 years, 08 months and 22 days and has served out sentence without remissions 04 years, 09 months and 16 days; and unexpired portion of his sentence is 00 years, 01 months and 22 days.

At the very outset learned counsel for appellant has prayed for a lenient view in the case, on the ground that the appellant and his family members are extremely poor, and he is the only earning member of his family; during confinement of appellant in jail, his family members are on the brink of starvation. Learned counsel has further contended that the appellant is a first offender and his conduct in jail has remained satisfactory; as reported in the jail-roll.

Learned Addl. Prosecutor General, Sindh, appearing for the State, has conceded to the above submission made by learned counsel for appellant and extended no objection, if conviction and sentence of appellant is modified and reduced to a period already undergone by the appellant.

I have considered the submissions made by learned counsel for appellant that the appellant and his family are extremely poor persons and his family members are virtually starving, due to confinement of the appellant in jail. Perusal of the jail-roll shows that the appellant's conduct in jail is satisfactory. 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 sentence 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