

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Appeal No.606 of 2018

Date *Order with signature of Judge*

For hearing of Main Case.

24.09.2021

Appellant Irfan alias Ippo, present in person.
Mr. Muntazir Mehdi, Addl. Prosecutor General, Sindh.

ORDER

Muhammad Saleem Jessar, J:- This criminal appeal is directed against the impugned judgment dated **13.09.2018**, passed by learned Additional Sessions Judge-VII, Karachi (Central), vide Sessions Case No.904/2016, arisen out of Crime No.144/2016, registered at P.S Super Market, Karachi, for offence under Section 23(i)A of Sindh Arms Act, 2013, whereby the appellant was convicted and sentenced to suffer two years R.I with fine of Rs.10,000/-. In case of default, he was directed to undergo S.I for one month 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, Karachi, has furnished jail roll of appellant Irfan alias Ippo dated 13.09.2021, which reveals that appellant Irfan alias Ippo son of Munir Ahmed has earned remissions upto 22.11.2018 as 00 years, 03 months and 10 days and has served out sentence including remissions 00 years, 11 months and 06 days; and unexpired portion of his sentence is 01 year, 01 months and 24 days.

At the very outset, appellant present in person, has prayed for a lenient view in the case, on the ground that he (the appellant) and his family members are extremely poor, and he is the only earning member of his family. The appellant has further contended that he is a first offender and his conduct in jail has remained satisfactory; as reported in the jail-roll, he was released on probation.

Learned Addl. Prosecutor General, Sindh, appearing for the State, has conceded to the above submission made by the 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. Perusal of the jail-roll shows that the appellant's conduct in jail is/was 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. Appellant is present before the Court on bail, his bail stands cancelled and surety furnished by him is also discharged.

JUDGE

Zulfiqar/P.A