

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Appeal No.523 of 2020

<i>Date</i>	<i>Order with signature of Judge</i>
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1. *For hearing of Case.*
2. *For hearing of M.A No.11048/2020.*

02.02.2021

Mr. Tahir Rahim, Advocate for the Appellant.
Ms. Rubina Qadir, Deputy Prosecutor General, Sindh.

ORDER

Muhammad Saleem Jessar, J:- This criminal appeal is directed against the impugned judgment dated **16.11.2020**, passed by learned IVth Additional Sessions Judge, Karachi (East), in the Sessions Case No.392/2019, arisen out of Crime No.23/2019, registered at P.S Ferozabad, Karachi, for offence under Section 23 (1) (a) of the Sindh Arms Act, 2013, whereby the appellant was convicted and sentenced to suffer rigorous imprisonment for three years with fine of Rs.10,000/-, and in default in payment of fine to suffer S.I for a period of one month more as simple imprisonment; however, benefit of section 382-B Cr.P.C was also extended to the appellant/convict.

Pursuant to directions issued in earlier part of the day, Senior Superintendent, Central Prison & Correctional Facility, Karachi has submitted jail roll of appellant Nadir Jameel dated 02.03.2021 through MIT-II, which reveals that appellant Nadir Jameel has earned remissions upto 02.03.2021 as 00 years, 00 months and 18 days and has served out sentence without remissions 00 years, 03 months and 22 days; however, has served out sentence including remissions 00 years, 04 months and 10 days and unexpired portion of their sentence is 02 years, 08 months and 20 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 Deputy 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