

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Appeals No.03 & 04 of 2020**

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*Date* *Order with signature of Judge*

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*For hearing of Case.*

**13.10.2021**

Appellant produced in custody.  
Ms. Seema Zaidi, Deputy Prosecutor General, Sindh.

**ORDER**

**Muhammad Saleem Jessar, J:-** These criminal appeals are directed against the impugned judgment dated **03.12.2019**, passed by learned Sessions Judge, Malir Karachi, in two cases viz. (i) Sessions Case No.571/2019, arisen out of Crime No.75/2019, registered at P.S Sachal, Karachi, for offence under Section 392/324/353/34 PPC and (ii) Sessions Case No.572/2019, arisen out of Crime No.76/2019, registered at P.S Sachal, Karachi, for offence under Section 23(1)(a) of Sindh Arms Act, 2013, whereby the appellant was convicted and sentenced as under;\_

- i. Appellant was convicted for offence under Section 324/34 PPC and sentenced under section 265-H(ii) Cr.P.C to undergo R.I for four years with fine of Rs.5000/-. In case of default in payment of fine, he was further directed to undergo S.I for three months.
- ii. Appellant was convicted for offence under section 353/34 PPC and sentenced to undergo R.I for one year with fine of Rs.5000/-. In case of default in payment of fine, he was further directed to undergo S.I for one month.
- iii. Appellant was convicted for offence under section 324/34 PPC and sentenced to undergo R.I for four years with fine of Rs.5000/-. In case of default in payment of fine, he was further directed to undergo S.I for three months.
- iv. Appellant was convicted for offence under section 24 of SAA, 2013 and sentenced under section 265-H(ii) Cr.P.C to suffer R.I for four years with fine of Rs.3000/-. In case of default in payment of fine, he was further directed to suffer S.I for three months.

All the sentences were directed to run concurrently with benefit of section 382-B C.P.C.

Pursuant to directions contained under earlier order, Senior Superintendent, Central Prison & Correctional Facility, Karachi has furnished jail roll of appellant Muhammad Tahir dated 07.10.2021, which reveals that appellant Muhammad Tahir son of Muhammad Aslam has earned remissions upto 08.10.2021 as 01 year, 04 months and 00 days and has served out sentence without remissions 02 year, 07 months and 26 day; however, has served out sentence including remissions 03 years, 11 months and 26 days and unexpired portion of his sentence is 00 years, 10 months and 04 days.

Appellant/convict produced in custody has prayed for a lenient view in the cases, on the ground that he and his family members are extremely poor, and he (the appellant) is the only earning member of his family; during confinement of appellant in jail, his family members are on the brink of starvation. Appellant/convict further contends that he 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 the appellant produced in custody 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 appellant/convict produced in custody that he 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(s) 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, these appeals are dismissed. The appellant/convict produced in custody is remanded to jail with directions to release him forthwith, if his custody is not required in any other case.

Office to place copy of this order in connected appeal.

**JUDGE**