

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Criminal Appeal No. 266 of 2017  
Criminal Jail Appeal No. 272 of 2017

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGES</b>
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For hearing of case.

**04-11-2022**

Ms. Akhtar Rehana, Advocate for appellant in Crl.J.A.No.272/2017  
Mr. Sri Chand Oad, Advocate for appellant in Crl. Appeal No.266/2017.  
M/s. M.A. Kazi and Irshad Ali Jatoy, Advocates for complainant.  
Ms. Robina Qadir, DPG.

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1. Learned counsel says that he will not press the appeals on merits as the appellants have served out their sentences.
2. Jail Rolls of the 2 appellants were called for. They have served out 25 years 2 months and 20 days, which period includes the remissions that they have been given. A period of 3 months is left, which is a portion of the 6 month sentence which was given to the appellants in lieu of fine.
3. Both the appellants are in their 70s and now suffering from various ailments. The jail authorities have reported that their conduct while they have been incarcerated has been good. Learned counsel submits that when they were imprisoned they were the sole bread earners for the families and that their entire families have greatly suffered as a consequence of the appellants deeds. The appellants are remorseful and repent their acts and thus do not want to press their appeals. They are also facing absolute poverty and hence they are not in a position to pay the fine that was levied upon them. They request that the imprisonment in lieu of fine be reduced. Learned counsels submit that the appellants have been punished for their acts but should not be punished further on account of their poverty. Learned DPG and the learned counsel for the complainant confirm that both appellants have served the sentence as far as the punishment for murder was concerned. Upon the learned counsel's for the appellants request that on humanitarian grounds the sentence in lieu of fine be

reduced, both the DPG and the learned counsel for the complainant submit that they will bow down to the discretion of the court.

4. In view of the foregoing, while dismissing both appeals, the sentence in lieu of fine is reduced to 3 months. The appellants may be released if they have served out the 3 month period in lieu of fine and if they are not required to be in custody in some other case.

**JUDGE**