

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Appeal No. 41 of 2017

Appellant : Naeem Shah
through Mr. Salahuddin Khan Gandapur, Advocate

Respondent : The State
through Mr. Muntazir Mehdi, Addl.P.G.

Complainant : through Mr. Riaz Ahmed Bhatti, Advocate

Date of hearing : 7th December, 2022

ORDER

Omar Sial, J: Naeem Shah was convicted and sentenced by the learned 2nd Additional Sessions Judge, Malir, Karachi on 09.01.2017 to a life term for an offence under section 302(b) P.P.C. and further ordered that he pay a compensation of Rs. 75,000 to the legal heirs of the deceased or remain in prison another one year.

2. Learned counsel at the outset has submitted that he would not like to argue the appeal on merits but has prayed that some leniency in the compensation amount and the imprisonment in lieu thereof be shown as the appellant having remained in jail for many years had no source of income and is not in a position to pay the compensation. The learned Addl.P.G. has no objection if some leniency is shown on humanitarian ground.

3. A jail roll was called for which shows that the appellant has completed 25 years and 6 months of his sentence. Section 544-A (2) provides that compensation payable under subsection 544-A (1) shall be recoverable as an arrears of land revenue and the Court may further order that, in default of payment or of recovery as aforesaid the person ordered to pay such compensation shall suffer imprisonment for a period not exceeding six months, or if it be a Court of the Magistrate of the third class, for a period not exceeding thirty days. It appears that the period of one

year that the learned trial court ordered was in excess of the limit prescribed by law. It is accordingly reduced to 6 months.

4. It appears that the appellant has served out his complete sentence which also includes the imprisonment period in lieu of the compensation. The Senior Superintendent of Prison to confirm the foregoing and in the event the appellant has completed his sentence he may be released forthwith if not required in any other custody case.

5. The appeal stands dismissed subject to the modification in sentence.

JUDGE