

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Appeal No.S-101 of 2017

Date of hearing: 28.11.2022.
Date of Judgment 28.11.2022.

Appellant : Abdul Sattar S/o Ahmed Mallah,
Through Mr. Muhammad Saleem Laghari,
Advocate

The State : Through Mr. Shahid Ahmed Shaikh,
Additional P.G Sindh

JUDGMENT

Muhammad Saleem Jessar, J.- Through instant criminal appeal, above named appellant has assailed the judgment dated 30.03.2017 passed by learned IInd Additional Sessions Judge, Tando Muhammad Khan, in Sessions Case No.12 of 2012 (Re: the State v. Abdul Sattar and others), arising out of Crime No.22 of 2012, registered with P.S Mullakatiar for offences under Sections 324, 506/2, 504, 337-A(i), 337-F(iii), 34 PPC, whereby he alongwith co-accused has been convicted and sentenced to undergo R.I for two years for offence under Section 337-A(i) PPC and three years for offence under Section 337-F(iii) PPC and to pay fine of Rs.5000/- as daman for each offence payable to injured Mst. Basri. However, both sentences were ordered to run concurrently with benefit of Section 382-B Cr.P.C.

2. At the very outset, learned Counsel for appellant submits that appellant has remained as under trial prisoner in Nara Jail for about 13 months and said period has not been accounted for by the Senior Superintendent Central Prison, Hyderabad while issuing jail roll dated 28.11.2022. He further submits that appellant is sole bread earner of his family; besides he has been facing hardships of the proceedings since inception of the case viz. 2012; therefore, he has

sufficiently been punished. He next submits that per impugned judgment he has been awarded three years rigorous imprisonment, out of which he has served out major portion of said punishment and for remaining period, he would not contest appeal on merits if this Court may consider the period he has already undergone.

3. Learned Additional P.G Sindh has very candidly extended his no objection.

4. Heard and perused the record.

5. Perusal of record, it reflects that appellant after full dressed trial was convicted and sentenced to suffer R.I for three years and to pay Daman of Rs.10,000/- to injured vide impugned judgment. Per learned Counsel, the appellant has served out major portion of his sentence and being first offender and only bread earner of his poor family, his sentence may be considered to one already undergone by him. Per jail roll, the appellant has served out 01 year 06 months and 17 days including remission; besides the appellant before conviction has remained 13 months in Nara Jail during proceedings before trial Court. The sentence served by appellant is sufficient to learn lesson from; therefore, I, while taking lenient view against appellant hold that appellant has made out his case where he deserves leniency being proposed by learned Counsel.

6. In view of the above, I dismiss this appeal and maintain conviction and sentence awarded to appellant by learned trial Court vide impugned judgment dated 30.03.2017; however, reduce the sentence awarded to appellant to one already undergone by him including fine. Appellant is present on bail; his bail bond stands cancelled and surety is hereby discharged. Appeal is disposed of accordingly.

JUDGE