

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Criminal Appeal No.D-109 of 2021  
Criminal Jail Appeal No.D-111 of 2021

Appellant: Ghulam Qadir present on bail.  
Respondent: The State through Mr. Shawak Rathore, Deputy Prosecutor General Sindh.  
Date of hearing: 14.09.2022.  
Date of Decision: 14.09.2022.

**J U D G M E N T**

***AMJAD ALI SAHITO, J.*** In terms of judgment dated 01.09.2021, passed by learned Special Judge for CNS / MCTC, Tando Muhammad Khan in Special Case No.30 of 2020, Crime No.138 of 2020 registered at PS Tando Ghulam Hyder for the offence under section 9 (c) CNS Act, 1997, the appellant was convicted and sentenced for the offence u/s 9 (c) CNS Act, 1997 for possessing 3010 grams of charas to undergo R.I. for six years and six months with fine to the tune of Rs.30,000/-; in case of default to undergo S.I. for six months. However, the benefit of section 382-B Cr.P.C. was extended to the appellant. Firstly, through this Criminal Jail Appeal, the appellant has challenged his conviction and sentence and then he again preferred a captioned Criminal Appeal through his counsel against the same judgment, as such, the same are being disposed of together.

**2.** Appellant present in person, at the very outset, has stated that he is the only bread earner of his family and has remained in Jail for sufficient period of his sentence and still is being dragged in the instant case; as such, he does not wish to contest these Appeals and leaves himself at the mercy of the Court. He states that if this Court while maintaining the

conviction reduces the sentence to one he has already undergone, he would not press the Appeals.

**3.** On the other hand, learned D.P.G. Sindh concedes that the appellant has remained behind the bars for sufficient period and learned the lesson, therefore, he has no objection if a lenient view is taken against him by dismissing the instant Appeals and treating the sentence to one as already undergone.

**4.** We have heard the the appellant in person, learned D.P.G. for the State and have gone through the record. The witnesses have supported each other on all salient features of the case and there appears to be no worthwhile contradictions. The offence pertains to the year 2020. The Jail Roll of the appellant was called from the concerned Jail, which reflects that the appellant has served out two years, five months and twenty seven days including remission. The appellant is sole bread earner of his family and has remained in jail and learned the lesson as he has undergone sufficient period of his sentence. The punishment provided for the same is upto 6 ½ years, therefore, there is no legal impediment in accepting request of the appellant. Therefore, only in order to enable the appellant to reform and rehabilitate himself to rejoin the mainstream life to once again become a useful member thereof, by taking leniency, instant Appeals are dismissed but with the reduction of his sentence to one as already undergone by the appellant including fine amount. Appellant is present on bail, his bail bonds stand cancelled and surety discharged. In view of the above position, the office is directed to return surety papers to the surety after proper verification and identification.

**5.** The captioned Appeals are **dismissed** with the above modification.

**JUDGE**

**JUDGE**