

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Criminal Appeal No.S-34 of 2003

Appellant: Abdul Wahid Arain present on bail through Mr. Kamran Baig, Advocate.

Respondent: The State through Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Date of hearing: 12.09.2022.

Date of Decision: 12.09.2022.

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

**AMJAD ALI SAHITO, J.** Through this Criminal Appeal, the appellant has challenged the judgment dated 31.12.2002, passed by learned trial Court / Sessions Judge, Mirpurkhas in S.C. No.213/1999, Crime No.13/95 for the offences under section 13-E Arms Ordinance, 1979 registered at PS Digri, District Mirpurkhas, the appellant was convicted and sentenced under section 13-E Arms Ordinance, 1979, for possessing dagger to undergo R.I. for two years and pay fine to the tune of Rs.5,000/-; in case of default to undergo imprisonment for one month more. However, the benefit of section 382-B Cr.P.C. was extended to the appellant.

**2.** Learned counsel for the appellant, at the very outset, has stated that the appellant has physically remained in Jail more than fourteen years after earning remission, as such, he has completed his sentence i.e. two years R.I. Learned counsel submits that since the appellant has completed his sentence, therefore, he does not press instant appeal.

**3.** On the other hand, learned Assistant Prosecutor General Sindh concedes that the appellant has completed his sentence as it is evident from the Jail Roll of the appellant submitted by concerned Jail in connected main case / crime

No.08 / 1995 for the offence under section 302 PPC of PS Digri, whereby it is stated that the appellant has remained in jail for fourteen years, two months and twenty five days.

**4.** From the record, it appears that the appellant was convicted and sentenced to suffer Rigorous Imprisonment for two year with fine of Rs.5,000/- and in case of failure to pay the fine amount, further one month imprisonment was ordered by the learned trial Court. It further reflects that the appellant is also involved in main crime No.08 / 1995 for the offence under section 302 PPC of PS Digri, in which Jail Roll of the appellant was called, according to which he has served out for fourteen years, two months and twenty five days including remission, as such, he has completed his sentence including one month imprisonment on account of non-payment of fine amount. Consequently, the instant appeal is **dismissed** as withdrawn. Appellant is present on bail, his bail bonds stand cancelled and surety discharged. Office is directed to return the surety papers to the surety after proper verification and identification.

**JUDGE**