

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Criminal Jail Appeal No.S-192 of 2021

Appellant: Dhani Bux alias Mataro represented by Mr. Irfan Ahmed Qureshi, Advocate.

Respondent: The State through Mr. Shahid Ahmed Shaikh, Deputy 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 Jail Appeal, the appellant has challenged the judgment dated 06.10.2021, passed by learned trial Court / 1<sup>st</sup> Additional Sessions Judge / MCTC, Badin in S.C. No.127/2020, Crime No.131/2020 for the offences under section 23(1) A & 25 Sindh Arms Act, 2013 registered at PS Talhar, District Badin, the appellant was convicted and sentenced under section 23(1) A read with section 25 Sindh Arms Act, 2013, for possessing DBBL Gun to undergo R.I. for one year and pay fine to the tune of Rs.20,000/-; in case of default to undergo S.I. for two months 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 near about two years, as such, he has completed his sentence i.e. one year R.I. Learned counsel submits that since the appellant has completed his sentence, therefore, he does not press instant appeal. Learned counsel also points out the appellant was also involved in main case / crime No. 130 / 2020 of PS Talhar registered under section 302 PPC, which the parties have compromised and such compromise has been accepted by this Court; however, until and unless the orders for his release in

the instant case are not issued, the appellant would face complications. He, therefore, contended that such release orders of the appellant may also be issued to the concerned jail authorities.

**3.** On the other hand, learned Deputy Prosecutor General Sindh concedes that the appellant has completed his sentence. He has further contended that he has confirmed from Jail authorities that the appellant has physically served out one year and ten months sentence and earned remission of six years, two months and six days.

**4.** From the record, it appears that the appellant was convicted and sentenced to suffer Rigorous Imprisonment for one year with fine of Rs.20,000/- and in case of failure to pay the fine amount, further two months simple imprisonment was ordered by the learned trial Court. It further reflects that the appellant was arrested in the instant case on 12.11.2020. Further, the learned D.P.G. has also confirmed that the appellant has physically served out one year and ten months sentence and earned remission of six years, two months and six days, as such, simple imprisonment of two months on account of non-payment of fine amount has also been served. Consequently, the instant appeal is **dismissed** as withdrawn. Let such release writ of the appellant be issued forthwith if he is not required in any custody case.

**JUDGE**