

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Criminal Appeal No.D-20 of 2022

**Present.**

*Mr. Justice Muhammad Iqbal Kalhoro &  
Mr. Justice Adnan-ul-Karim Memon.*

Appellants: Majid and Mst. Bashiran Soomro  
through Mr. Muhammad Sachal  
R.Awan, Advocate.

Respondent: The State through Shahzado Saleem  
Nahiyon Deputy Prosecutor General  
Sindh.

Date of hearing: 08.09.2022.

Date of Decision: 08.09.2022.

**JUDGMENT**

**ADNAN-UL-KARIM MEMON, J.** Through this Criminal Appeal, the appellants have challenged the judgment dated 19.02.2022, passed by learned MCTC-I / Special Judge control of Narcotics Substance Act, Hyderabad in Special Narcotics Case No.05 of 2022, Crime No.11 of 2021 registered at PS Budhani Hyderabad for the offence under section 9 (c) CNS Act, 1997, whereby the appellants were convicted and sentenced for the offence u/s 9 (c) CNS Act, 1997 for possessing 5000 grams of charas each to undergo R.I. for seven years and six months separately and pay fine to the tune of Rs.35,000/- each; in case of default to undergo S.I. for five months and fifteen days more. However, the benefit of section 382-B Cr.P.C. was extended to the appellants.

**2.** Learned counsel for the appellants, at the very outset, has stated that the appellant Majid Ali is only bread earner of his family while appellant Mst. Bashiran is a lady and have remained in Jail for sufficient period and still are being dragged in the instant case; as such, he does not wish to contest this Criminal

Appeal and leave the appellants at the mercy of the Court. He states that if this Court while maintaining the conviction reduces the sentence to one they have already undergone, he would not press the Criminal Appeal.

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

**4.** We have heard the learned counsel for the appellants, 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. However, the offence pertains to the year 2021. The appellants are behind the bars. The Jail Roll of the appellants was called from the concerned Jail, which reflects that the appellants have served out two years, three months and four days including remission. The appellant Majid Ali is sole bread earner of his family. The appellants have remained in jail and learned the lesson as they have undergone sufficient period of their sentence. The punishment provided for the same is upto 7 ½ years, therefore, there is no legal impediment in accepting request of learned counsel for the appellants. The Honorable Supreme Court while deciding an unreported case titled as '**Mst. Sughran & Mst. Khalida v. The State**' [**Criminal Appeal No.125 of 2020**], has also provided an opportunity to the convict enabling him to reform and rehabilitate himself to rejoin the mainstream life to once again become a useful member and while considering the substantial period already served out by the convict reduced his sentence to the period already undergone.

**5.** Only in order to enable the appellants to reform and rehabilitate themselves to rejoin the mainstream life to once again become a useful member thereof, by taking leniency and

keeping in view the Honourable Supreme Court's decision [supra], instant Criminal Appeal is dismissed but with the reduction of his sentence to one as already undergone by the appellants including fine amount. In view of the above position, the office is directed to issue a release writ for the appellants if they are not required in any other custody case.

**6.** Instant Criminal Appeal is **dismissed** with the above modification.

**JUDGE**

**JUDGE**

**\*Abdullah Channa/P.S\***