

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Rev. Application Nos. 97 & 98 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of main case.

08-02-2023

Applicants are present in person.
Mr. Talib Ali Memon, APG a/w complainant.

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Omar Sial, J: Mohammad Imran's brother, Kamran Majeed, had been missing for some days. Imran received a phone call from a person purporting to be a police official, who asked Imran for Rs. 200,000 in exchange for his brother. Imran, accompanied by police officials, reached the place stipulated for the exchange of money and apprehended 3 boys. One of the 3 boys was Mohammad Adil, a police constable. The remaining 2 were identified as Adnan and Shehroz. Both were not police officials but carried police cards and impersonated themselves as police officers. All 3 boys were arrested and F.I.R No. 165 of 2016 was registered against them under sections 170, 171, 420, 468 and 34 P.P.C. at the CTD Garden police station on 14.05.2016.

2. After a full dressed trial, the learned 10th Judicial Magistrate, Karachi South convicted and sentenced the 3 boys as follows:

- (i) for an offence under section 170 P.P.C. to a 2 year prison term and a fine of Rs. 10,000 each
- (ii) for an offence under section 171 P.P.C. to a 3 month prison term
- (iii) for an offence under section 420 P.P.C. to a 2 year prison term and a fine of Rs. 10,000 each
- (iv) for an offence under section 468 P.P.C. to a 2 year prison term and a fine of Rs. 10,000 each

3. The aforementioned judgment was appealed against before the learned 2nd Additional Sessions Judge, Karachi South however was dismissed on 24.05.2017.

4. At the outset learned counsel for both Shehroz (applicant in Criminal Revision Application No. 97 of 2017) and Adnan (applicant in Criminal Revision Application No. 98 of 2017) submitted that they were remorseful for what they had done and that they did not want to argue the appeal on merits but instead prayed that leniency may be shown and the time that they had spent in prison to date be considered as their sentence. The learned APG was of the view that the 2 boys were young and had their careers ahead and that they had been punished for their folly, probably committed due to the exuberance of youth. He submitted that the State would not have an objection if the sentences already undergone by the 2 boys was considered their sentence. The jail roll shows that both boys have completed 6 months of their respective sentences. I have considered the facts of the case and am inclined to agree with the learned APG. The boys are remorseful, they have suffered the agony of trial and appeal for nearly 6 years and by accepting their guilt, albeit late, have saved time of this court. Accordingly, it would be appropriate in the circumstances of the case that their sentences be reduced to the period that they have already undergone in jail. They will still however be liable to pay the fine amount that was imposed on them through the impugned judgment. The surety furnished by the 2 boys will be released to them only upon evidence that the fine amount had been paid. If the fine is not paid within 30 days, they may be taken in custody to serve out the sentence given to them in lieu of the payment of fine. The sentence in lieu of fine will run consecutively.

5. The criminal revision applications are dismissed with the above modification in sentences.

JUDGE