

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
CrI. Appeal No. S- 111 of 2022

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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For hearing of case

1. For orders on office objections.
2. For orders on MA 5645/22
3. For orders on MA 4646/22
4. For hearing of main case

Mr. Shabbir Ali Bozdar, Advocate for appellant.
Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

Date of hearing: **17-02-2023**
Date of Judgment: **17-02-2023**

J U D G M E N T

Zafar Ahmed Rajput J:- Through this CrI. Appeal, appellant Abdul Wahab alias Meer Chandio has assailed impugned judgment dated 26.05.2021, passed by learned Additional Sessions Judge, Daharki in Sessions Case No.14 of 2020, arising out of Crime No. 72 of 2019, registered at P.S, Kambhra, whereby appellant was convicted for offence under Section 24 of the Sindh Arms Act, 2013 and sentenced to suffer R.I for seven years and to pay fine of rs. 25,000/- and in case of default thereof, he was ordered to suffer S.I for three months more. The appellant was also extended benefit of Section 382-B Cr.P.C.

2. It is, *inter alia*, contended by learned counsel for the appellant contended that the appellant is innocent and has falsely been implicated by the police. He further added that appellant is not previous convict and is first offender. He also contended that the appellant is ready not to press instant appeal on merit if his sentence is reduced to that of already undergone as he has served out major portion of his sentence and he may be given a chance in his life to rehabilitate himself.

3. Learned Deputy P.G for the State conceded to the reduction of sentence of appellant to that of already undergone. On query, he admitted that appellant is not a previous convict.

4. Heard learned counsel for appellant and learned APG as well as perused the entire evidence.

5. Per jail roll of even dated, the appellant has served out his substantive sentence for 03-years, 01-month and 28-days with the earned remissions of 03-years, 10-months and 20-days, which appears to be a substantial portion of sentence.

6. In view of the above discussion, I am of the view that appellant has made out a case for reduction of his sentence, therefore, while following the dictum laid down in case of Gul Naseeb v. The State (2008 SCMR 670) and Niaz-ud-Din v. The State (2007 SCMR 206), and in order to give a chance to the appellant in his life to rehabilitate himself, instant CrI. Appeal of the appellant is partly allowed. Consequently, while maintaining the conviction of the appellant, the sentence of the appellant inflicted on him is reduced to that of already undergone including the term of sentence in default of payment of fine amount. The appellant is behind bars. He is ordered to be released forthwith if not required in any other crime/case.

7. The instant appeal stands **disposed of** in the above terms along with listed applications.

JUDGE