

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Criminal Appeal No.S-213 of 2017

Appellant: Zahid Ali Shah present on bail in person.

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

Date of hearing: 04.05.2023.

Date of Decision: 04.05.2023.

ORDER

AMJAD ALI SAHITO, J. Through this Criminal Appeal, the appellant has challenged the judgment dated 26.09.2017, passed by learned 1st Additional Sessions Judge, Mirpurkhas in S.C No.71 of 2014 whereby the appellant was convicted and sentenced for the offences u/s 23 (i) A Sindh Arms Control Act, 2013 to suffer R.I. for three years and fine of Rs.50,000/-; in default whereof, to suffer S.I. for three months more in crime No.06/2014 u/s 23 (1) A & 27-B Sindh Arms Control Act, 2013, registered at PS Naukot. However, benefit of section 382-B Cr.P.C. was extended to the appellant.

2. Appellant present in person states that he is facing with the instant case since 2014. He states that he has served out sufficient portion of his sentence; as such, he does not wish to contest this Criminal Appeal and leave himself at the mercy of the Court. He further states that if this Court while maintaining the conviction reduces the sentence to one he has already undergone, he would not press the Criminal Appeal.

3. Learned Assistant Prosecutor General, Sindh appearing for the State has opposed the acquittal of appellant. However, she does not oppose if a lenient view is taken against

the appellant by dismissing the appeal treating the sentence to one as already undergone.

4. I have heard the appellant in person, learned A.P.G. for the State and have gone through the record.

5. Record reflects that the appellant was arrested on 20.02.2014 and released on bail on 10.07.2014; thereafter, at the time of final judgment, he was taken into custody and remanded to Jail on 26.09.2017 but later on 13.11.2017 he was again released on bail. It appears that the appellant has learnt the lesson as he has undergone for sufficient period of the sentence in the instant crime. There is no material placed before the Court showing that the appellant is habitual offender and involved in the like cases. Consequently, while taking a leniency, instant Criminal Appeal is **dismissed** but with modification that the sentence including fine amount is reduced to one as already undergone. The appellant is present on bail. His bail bonds stand cancelled and surety discharged. Office is directed to return surety papers to the surety on proper verification and identification.

6. Instant Criminal Appeal is dismissed with above modification.

JUDGE

Abdullah Channa/P.S