

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Appeal No. 539 of 2020**

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<i>Date</i>	<i>Order with signature of Judge</i>
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*For hearing of Case.*

**16.01.2023**

Appellant Junaid, present in person.  
Mr. Siraj Ali Khan Chandio, Addl. Prosecutor General, Sindh.

**ORDER**

**Muhammad Saleem Jessar, J:-** This criminal appeal is directed against the impugned judgment dated **25.11.2020**, passed by learned Additional Sessions Judge-V, Karachi (Central), vide Sessions Case No.842/2019, arisen out of Crime No.107/2019, registered at P.S Jauharabad, Karachi, for offence under Section 23(i)A of Sindh Arms Act, 2013, whereby the appellant was convicted and sentenced to suffer two years R.I with fine of Rs.20,000/-. In case of default, he was directed to undergo S.I for one month more. However, benefit of section 382-B Cr.P.C was also extended to the appellant/convict.

At the very outset, appellant present in person, has prayed for a lenient view in the case, on the ground that he (the appellant) and his family members are extremely poor, and he is the only earning member of his family. The appellant has further contended that he is a first offender and his conduct in jail has remained satisfactory; as reported in the jail-roll, he was released on probation.

Learned Addl. Prosecutor General, Sindh, appearing for the State, has conceded to the above submission made by the appellant and extended no objection, if conviction and sentence of appellant is modified and reduced to a period already undergone by the appellant.

The appellant present in person, submits he has remained in custody for about two months, therefore, same may be considered. Learned Addl. P.G, Sindh submits that per scheme of law punishment provided for section 23-i(a) of Sindh Arms Act, 2013 is discretionary, starts from 0 to 14 years, therefore, looking to young age of the appellant and he being first offender, hence, he has no objection.

I have considered the submissions made by learned counsel for appellant that the appellant and his family are extremely poor persons. Moreover, the sentence served out is sufficient to maintain the conviction. In the given circumstances I am inclined to take a lenient view in the matter. Accordingly, the sentence awarded to the appellant including the period he was to undergo in lieu of fine, is reduced to the period of his detention in jail he has already undergone. With the above modification in the sentence of appellant, this appeal is dismissed. Appellant is present before the Court on bail, his bail stands cancelled and surety furnished by him is also discharged.

***JUDGE***