

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Jail Appeal No.S- 95 of 2019

Appellant :	Allah Ditto S/o Qaimuddin Khand Through Mr. Rukhsar Ahmed Junejo Advocate
Complainant :	Rahib Ali through Mr. Amanullah G. Malik, Advocate
The State	Through Syed Sardar Ali Shah, Additional Prosecutor General.
Date of hearing	22-11-2023
Date of decision	22-11-2023

J U D G M E N T

IRSHAD ALI SHAH, J. On conclusion of trial, the appellant for having committed murder of Sahib Khan was convicted u/s 302 (b) PPC and sentenced to undergo imprisonment for life as *Ta'zir* and to pay compensation of Rs.100,000/- to the legal heirs of the deceased and in default whereof to undergo simple imprisonment for three months with benefit of section 382(b) Cr.P.C by learned 1st. Additional Sessions Judge/(MCTC), Sukkur, vide judgment dated 13-06-2019, which the appellant has impugned before this Court by preferring the instant Crl. Jail Appeal.

2. At the very outset it is stated by learned counsel for the appellant that the appellant is at the verge of completion of his jail term and he would not press the disposal of instant appeal before this Court on merits provided the sentence which the appellant is likely to undergo on account of his failure to make payment of fine is reduced to considerable extent, which is not opposed by learned Additional PG for the State and learned counsel for the complainant.

3. Heard arguments and perused the record.

4. The appellant is old person of 57 years of age and said to be sole bread earner of his family. By not pressing disposal of his

appeal on merits has shown remorse as such there is likelihood of his reformation. By considering all these factors as mitigating circumstances, the simple imprisonment of three months which the appellant is likely to undergo on account of his failure to make payment of fine is reduced to simple imprisonment for one week with benefit of Section 382-B, Cr.P.C.

5. Instant Criminal Jail Appeal is disposed of subject to above modification.

JUDGE