

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
Criminal Appeal No. S-42 of 2021

Appellant: Farooque @ Farooque Ali son of Ali Murad Arbani **through** Mr. Mohsin Ali Khan Pathan advocate.

The State: Mr. Aftab Ahmed Shar, Additional P.G for the State.

Date of hearing: 27-11-2023

Date of judgment: 27-11-2023

**J U D G M E N T**

**IRSHAD ALI SHAH, J-** The appellant for being in possession of unlicensed pistol of 30 bore with magazine containing two live bullets, which he has allegedly was having at the time of committing murder of Mir Ali; on conclusion of trial was convicted u/s 25 of Sindh Arms Act, 2013 and sentenced to undergo R.I for 07 years with fine of Rs. 30,000/- and in default whereof to undergo S.I for 03 months with benefit of section 382(b) Cr.P.C by learned Ist Additional Sessions Judge Ghotki vide judgment dated 02-06-2021, which he has impugned before this Court by preferring the instant Crl. Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that besides remission, the appellant has already undergone substantive sentence of 02 and half years; therefore he would not press the disposal of instant Crl. Appeal before this Court on merits, provided the sentence awarded to the

appellant is reduced to one which he has already undergone, which is not opposed by learned APG for the State.

3. Heard arguments and perused the record.

4. The appellant has already been acquitted in main murder case by this Court in early hours of the day; he is young man of 20 years of the age. By not pressing disposal of his appeal, he has shown remorse, therefore, there is likelihood of his reformation. By considering all these factors as mitigating circumstances, the sentence awarded to the appellant for the said offence is reduced to one which he has already undergone, which includes the sentence, which he is likely to undergo on account of his failure to make payment of fine.

5. The instant Crl. Appeal is disposed of accordingly.

JUDGE

Nasim/P.A