

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Criminal Appeal No.S-177 of 2021

Appellant : Muhammad Anees S/o Ghulam Mustafa,
Through Mr. Ayaz Khaskheli, Advocate

The State : Through Mr.Nazar Muhammad Memon,
Additional P.G. Sindh.

Date of hearing : **17.07.2023**
Date of Judgment : **17.07.2023**

ORDER

ARBAB ALI HAKRO, J.- In this Criminal Appeal, the appellant challenges the judgment dated 21.9.2021, in Sessions Case No.668/2021 under Sections 24 and 25 of the Sindh Arms Act, 2013, and the sentenced R.I. for 3(three) years and to pay a fine of Rs.10,000/- or face imprisonment one month more.

2. At the very outset, learned counsel for the appellant contends that the appellant has spent most of his sentence in jail and therefore does not want to challenge this Criminal Appeal, leaving the appellant at the Court's discretion. If the Court reduces the sentence to time already served, he won't press the Criminal Appeal.

3. Conversely, the Assistant Prosecutor General opposes the appellant's acquittal. He does not oppose a lenient view of the appellant by dismissing the appeal and considering the sentence as already served.

4. I have heard the learned counsel for the appellant, A.P.G. for the State, record reviewed. The record shows that the F.I.R. was lodged against the appellant on 07.12.2020,

subsequently followed by a comprehensive trial, resulting in the appellant's conviction and sentenced as indicated above. Upon considering the arguments presented by the appellant's counsel, alongside the concurrence of the learned A.P.G. Sindh appearing on behalf of the State and the appellant's jail Roll thoroughly examined, which indicates that the appellant has completed a sentence of 2 years, 7 months, and 9 days excluding remission. However, a remaining period of 5 months and 21 days, without any remission, still remains. In my considered perspective, subsequent to the appellant's period of incarceration, it is evident that he has assimilated the necessary lesson by virtue of undergoing a comprehensive duration of his sentence for the present offence. Thus, the instant Criminal Appeal is dismissed by modifying that the sentence, including the fine amount, is reduced to one already served. He is confined in jail. He shall be released forthwith if not required to be detained in any other case.

JUDGE

Shahid