

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Criminal Jail Appeal No. 247 of 2023  
(Muhammad Usama v. The State)

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Date	Order with signature of Judge
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1. For orders on MA No.5427/2023
2. For hearing of case

**07.08.2023**

Mr. Khadim Hussain Khuharo, Additional Prosecutor General Sindh  
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Mr. Musharraf Azhar is appointed as an advocate for the appellant on state expenses with fees of Rs.10,000/- to be paid to him after disposal of instant Crl. Jail Appeal.

The appellant on conclusion of trial was convicted under Section 397 PPC and sentenced to undergo rigorous imprisonment for 03 years and to pay fine Rs.50,000/- and in default whereof to undergo simple imprisonment for 03 months with benefit of Section 382(b) Cr.P.C by learned II-Additional Sessions Judge Karachi East vide judgment dated 01.02.2023 which he has impugned before this Court by preferring the instant appeal from jail.

At the very outset, it is stated by learned counsel for the appellant that as per jail roll the appellant has already served out more than 03 years of punishment and is in jail for want of payment of fine, therefore, under instructions he would not press the disposal of instant Crl. Appeal before this Court on merit, provided sentence awarded to him is reduced to one which he has already undergone.

It is contended by learned Addl. PG for the State that the minimum sentence prescribed for the alleged offence is 07 years; therefore, the sentence awarded to the appellant needs to be enhanced.

Heard arguments and perused record.

Apparently, no weapon was used by the appellant while committing the alleged offence which constitutes an offence punishable under Section 392 PPC, therefore, the punishment awarded to the appellant is modified accordingly; consequently, he is sentenced to undergo rigorous imprisonment for 03 years and to pay fine of Rs.10,000/- and in default whereof to undergo Simple Imprisonment for 10 days with benefit of Section 382(b) Cr.P.C.

The instant Crl. Jail Appeal is disposed of subject to above modification.

J U D G E