

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 595 of 2017

Appellant: Abdul Kareem through Mr. Habib-ur-Rehman Jiskani, advocate

The State: Mr. Muhammad Anwar Mahar, DDPP

Date of hearing: 10.08.2023

Date of judgment: 10.08.2023

J U D G M E N T

IRSHAD ALI SHAH, J- The appellant is alleged to have subjected with baby Saira, a girl aged about 10 years to rape for that he was booked and reported upon. On conclusion of trial, he was convicted under Section 376(1) PPC and sentenced to undergo rigorous imprisonment for 25 years and to pay fine of Rs.100,000/- and in default whereof to undergo simple imprisonment for 06 months with benefit of section 382(b) Cr.P.C by learned VIII-Additional District and Sessions Judge, Karachi East vide judgment dated 30.08.2017, which is impugned by the appellant by preferring the instant appeal from jail.

2. At the very outset, it is stated by learned counsel for the appellant that the minimum sentence prescribed for alleged offences is 10 years with fine; the appellant as per jail roll inclusive of remission has already undergone 13 years, 00 month and 25 days of the imprisonment, therefore, under instructions he would not press the disposal of the instant Criminal Jail 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 DDPP by stating that the amendment with regard punishment to the above said offence is introduced after occurrence of the present incident.

3. Heard arguments and perused the record.

4. Appellant is old man of 50 years of the age, 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 sentence awarded to the appellant for the above 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 Criminal Jail Appeal is disposed subject to above modification.

JUDGE