

Judgment Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Jail Appeal No. 15 of 2023
(Ajay Prem, Muhammad Faizan and Vijay v. The State)

Date	Order with signature of Judge
------	-------------------------------

1. For hearing of case
2. For orders on MA No.268/2023

15.08.2023

Mr. Habib ur Rehman Jiskani, advocate for the appellants
Mr. Khadim Hussain Khuharo, Additional Prosecutor General Sindh

J U D G M E N T

IRSHAD ALI SHAH, J- The appellants are alleged to have robbed complainant Pardeep Kumar and his witnesses of their cell phones and cash, for that they were booked and reported upon. On conclusion of trial, they were convicted u/s. 397 PPC and sentenced to undergo rigorous imprisonment for 07 years with benefit of Section 382(b) Cr.P.C by learned Xth -Additional Sessions Judge Karachi South vide judgment dated 23.12.2022 which they have impugned before this Court by preferring the instant appeal from jail.

2. At the very outset, it is stated by learned counsel for the appellants that the provisions of Section 392 CPC are attracted to the facts and circumstances of the present case, therefore, under instructions he would not press the disposal of the instant Crl. Jail Appeal before this Court on merits, provided the sentence awarded to the appellants is reduced to rigorous imprisonment for three years with fine by modifying the penal Section, which is not opposed by learned Addl. PG for the State.

3. Heard arguments and perused record.

4. Apparently, no weapon was used by either of the appellants while committing the alleged offence, which obviously constitutes an offence punishable under Section 392 PPC, therefore, the punishment awarded to the appellants is modified with one under Section 392 PPC; consequently, they for the said offence are sentenced to undergo rigorous imprisonment for 03 years and to pay fine of Rs.10,000/- each and in default whereof to undergo simple imprisonment for 10 days with benefit of Section 382(b) Cr.P.C.

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

J U D G E