IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 558 of 2022

Appellants:	Shan Raza @ Shani and Rehmatullah through Mr. Arifullah Khan, advocate
The State:	Mr. Siraj Ali Khan Chandio, Additional Prosecutor General for the State alongwith Complainant in person
Date of hearing:	18.08.2023
Date of judgment:	18.08.2023

J U D G M E N T

IRSHAD ALI SHAH, J- The appellants are alleged to have robbed complainant Abdul Qadir of his cell phone, copy of CNIC and cash worth Rs.1000/-, for that they were booked and reported upon. On conclusion of trial, they were convicted u/s. 397 r/w 34 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 30.07.2022 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 who is assisted by the complainant in person.

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.

JUDGE