

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Appeal No. 440 of 2022

Appellant: Asif Ahmed through M/s. Habib-ur-Rehman Memon and Sarmad Qurban, advocates

The State: Mr. Khadim Hussain Khuharo, Additional Prosecutor General for the State

Date of hearing: 24.08.2023

Date of judgment: 24.08.2023

J U D G M E N T

IRSHAD ALI SHAH, J- On arrest from the appellant, it is alleged was secured unlicensed pistol of 30 bore with magazine containing 02 live bullets of same bore by police party of PS Landhi Karachi, which he was having while committing robbery, for that he was booked and reported upon. On conclusion of trial, he was convicted under Section 23(1)(a) of the Sindh Arms Act, 2013, and sentenced to undergo rigorous imprisonment for five years and to pay fine of Rs.10000/- and in default whereof to undergo simple imprisonment for three months with benefit of section 382(b) Cr.P.C by learned XII-Additional Sessions Judge, Karachi East vide judgment dated 17.05.2022, which he has impugned before this Court by preferring the instant Criminal Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that inclusive of remission, the appellant has already undergone 01 year 02 months and 26days of sentence, therefore, under instructions he would not press the disposal of the instant Criminal Appeal before this Court on merits, provided the sentence awarded to the appellant is reduced to one, which he has already undergone, which is opposed by learned Addl. PG for the State by stating that the offence which the appellant has committed is affecting the society at large.

3. Heard arguments and perused the record.

4. The appellant is 43 years of the age, said to be sole bread earner of his family, by not pressing the disposal of his appeal on merits he 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, it includes the sentence which he is likely to undergo on account of his failure to make payment of fine.

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

JUDGE