

# IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 139 of 2023

Appellant: Anwar Hussain through Mr. Moula Bux Bhutto,  
advocate

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

Date of hearing: 25.08.2023  
Date of judgment: 25.08.2023

## J U D G M E N T

**IRSHAD ALI SHAH, J-** It is alleged that the appellant with rest of the culprits robbed complainant Muhammad Naeem-ul-Haq of his cell phone, for that he was booked and reported upon. On conclusion of trial, he was convicted u/s. 397 PPC and sentenced to undergo rigorous imprisonment for 07 years and to pay fine of Rs.10,000/- and in default whereof to undergo simple imprisonment for three months, with benefit of Section 382(b) Cr.P.C by learned XI-Additional Sessions Judge, Karachi South vide judgment dated 11.01.2023, which he has impugned before this Court by preferring the instant Criminal Appeal for jail.

2. At the very outset, it is stated by learned counsel for the appellant that 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 with one under Section 392 PPC, which obviously is made out, which is opposed by learned Addl. PG for the State by contending that the offence which the appellant has committed is affecting the society at large.

3. Heard arguments and perused record.

4. Apparently, no weapon was used by the appellant while committing the alleged robbery, which obviously constitutes an offence punishable under Section 392 PPC, therefore, the punishment awarded to the appellant is modified with one under Section 392 PPC; consequently, he for the said offence 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.

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

JUDGE