

# IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 140 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-** On arrest from the appellant, it is alleged was secured unlicensed pistol of 30 bore with magazine containing 01 live bullet of same bore by police party of PS Clifton 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 three 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 Jail Appeal.

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 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 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 young man of 33 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 said offence is reduced to rigorous imprisonment for one year with fine of Rs.10,000/-, and in default he would undergo simple imprisonment for 10 days with benefit of Section 382(b) Cr.P.C.

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

JUDGE