IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 397 of 2022

Appellant:	Shankar through Mr. Abdul Haleem Jamali, advocate
The State:	Mr. Khadim Hussain Khuharo, Additional Prosecutor General for the State
Date of hearing:	28.08.2023
Date of judgment:	28.08.2023

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 Faizan Haider of his cell phone, cash worth Rs.4000/- and other belongings, for that he was booked and reported upon by the police party of PS Mobina Town Karachi. On conclusion of trial, he was 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 East vide judgment dated 11.05.2021, which he has impugned before this Court by way of 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 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.5,000/- 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