

# IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 248 of 2023

Appellant: Muhammad Usama through Ms. Roop  
Mala Singh, advocate

The State: Mr. Khadim Hussain Khuharo, Addl. PG

Date of hearing: 30.08.2023

Date of judgment: 30.08.2023

## J U D G M E N T

**IRSHAD ALI SHAH, J-** On arrest from the appellant it is alleged to have been secured revolver of 32 bore with 03 live bullets of same bore by police party of PS Bahadurabad, for that he was booked and reported upon. On conclusion of trial, he was convicted under Section 23(i)(A) of the Sindh Arms Act, 2013 and sentenced to undergo rigorous imprisonment for 03 years with fine of Rs.50,000/- and in default whereof to undergo simple imprisonment for 03 months, with benefit of section 382(b) Cr.P.C by learned IIIrd-Additional Sessions Judge, Karachi East vide judgment dated 01.02.2023, which is impugned by the appellant by preferring the instant appeal from jail.

2. At the very outset, it is stated by learned counsel for the appellant that as per jail roll, inclusive of remission, the appellant has already undergone 03 years, 01 month and 13 days of the sentence, therefore, under instructions she 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 not opposed by learned Addl. PG for the State.

3. Heard arguments and perused the record.

4. Appellant is a young man of 23 years of the age, said to be sole bread earner of his family, by not pressing disposal of his appeal on merits 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, which includes the sentence which he is likely to undergo on account of his failure to make payment of fine.

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

JUDGE