

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 783 of 2022

Appellant: Abid Hussain through Ms. Abida Parveen
Channar, advocate

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

Date of hearing: 05.09.2023

Date of judgment: 05.09.2023

J U D G M E N T

IRSHAD ALI SHAH, J- The appellant is alleged to have caused knife injuries to Mst. Khalida on her neck, with intention to commit her murder, for that he was booked and reported upon by the police. On conclusion of trial, he was convicted u/s. 337-F(ii) PPC and sentenced to undergo rigorous imprisonment for 03 years as *Tazir* and to pay *Daman* of Rs.100,000/- to the victim; he was further convicted u/s. 324 PPC and sentenced to undergo rigorous imprisonment for 05 years with fine of Rs.50,000/- payable to the victim and in default whereof to undergo rigorous imprisonment for 06 months; both the sentences were directed to run concurrently with benefit of Section 382(b) Cr.P.C by learned IInd - Additional Sessions Karachi East vide judgment dated 22.11.2022 which he has impugned before this Court by preferring the instant Crl. Jail Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that the appellant as per jail roll inclusive of remission has already undergone 04 years, 08 months and 04 days of the imprisonment, therefore, under instructions she would not press the disposal of the instant Criminal Jail Appeal before this Court on merits, provided sentence awarded to the appellant is reduced to considerable extent, which is opposed by learned Addl. PG for the State by stating that the offence which the appellant has committed is heinous one .

3. Heard arguments and perused the record.
4. Appellant is old man of 63 years of the age; he at the trial was unrepresented; by not pressing 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 u/s. 337-F(ii) PPC is reduced to rigorous imprisonment for one month with *Daman* of Rs.100,000/- payable to the victim, which the appellant has already deposited with the Nazir of this court under receipt No.103808 dated 31.08.2023; the sentence awarded to the appellant u/s. 324 PPC is modified, consequently, he for the said penal section is directed to undergo rigorous imprisonment for five years with fine of Rs.5000/- payable to the victim and in default whereof to undergo simple imprisonment for 05 days. Both the sentences to run concurrently with benefit of Section 382(b) Cr.PC.
5. The instant Criminal Jail Appeal is disposed of subject to above modification.
6. Office is directed to put the victim on notice to collect the *Daman* money from Nazir's office in accordance with law.

JUDGE