

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Appeal No. 385 of 2023

Appellant: Muhammad Arif through Mr. Zakir Hussain
Khaskheli, advocate

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

Date of hearing: 27.09.2023
Date of judgment: 27.09.2023

J U D G M E N T

IRSHAD ALI SHAH, J- It is the case of prosecution that the appellant led the police party of PS Dock Karachi to recovery of unlicensed pistol of 30 bore with magazine containing 01 live bullet which he was having while committing offence outcome of FIR Crime No.45/2021 under Section 365/302 PPC of PS Dock Karachi, for that he was booked and reported upon. On conclusion of trial, he was convicted under Section 23(i) of Sindh Arms Act, 2013, and sentenced to undergo rigorous imprisonment for six years and to pay fine of Rs.20,000/- and in default whereof to undergo simple imprisonment for three months with benefit of section 382(b) Cr.P.C by learned XIIth-Assistant Sessions Judge, Karachi West vide judgment dated 24.07.2023, which he has impugned before this Court by preferring the instant Crl. Appeal.

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 served 02 years 06 months and 08 days of the sentence, therefore, under instructions he would not press the disposal of the instant Criminal Appeal before this Court on merits, provided the sentence awarded to him 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. The appellant is 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 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 above offence is reduced to one which he has already undergone, it includes the sentence which he is likely to undergo on account of his failure to make payment of fine.

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

JUDGE