

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 886 of 2019

Appellant: Sher through Mr. Raham Ali Rind, advocate
The State: Mr. Siraj Ali Khan Chandio, Additional
Prosecutor General Sindh
Date of hearing: 06.09.2023
Date of judgment: 06.09.2023

J U D G M E N T

IRSHAD ALI SHAH, J- It is the case of prosecution that the appellant with rest of the culprits after having formed an unlawful assembly and in prosecution in its common object committed murder of Usman by causing him hatchet and *latties* injuries and then went away by causing hatchet and *latties* injuries to PW Ghulam Mustafa and insulting the complainant party, for that the present case was registered. On conclusion of trial, the appellant was convicted u/s. 302(b) PPC and sentenced to undergo life imprisonment with fine of Rs.200,000/- payable to the legal heirs of the deceased as compensation and in default whereof he was directed to undergo rigorous imprisonment for 12 months by learned IInd-Additional Sessions Judge Thatta vide judgment dated 17.02.2014 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 the appellant being old and infirm person is at the verge of completion of his sentence, therefore, he would not press the disposal of the instant Criminal Jail Appeal before this Court on merits, provided the sentence which the appellant is likely to undergo on account of his failure to make payment of fine is reduced to considerable extent, which is not opposed by learned Addl. PG for the State.

3. Heard arguments and perused the record.

4. In view of the above, the sentence which the appellant is likely to undergo on account of his failure to make payment of fine is reduced to simple imprisonment for one month with benefit of Section 382(b) Cr.PC.

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

JUDGE