

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Appeal No. 350 of 2023

Criminal Appeal No. 369 of 2023

Appellants: Salman and Anees through M/s. Zulfiqar Ali Abbasi, Muhammad Shair Khan and Ms. Shaista Khizer, advocates

The State: Mr. Muhammad Anwar Mahar, DDPP for the State

Date of hearing: 06.05.2024

Date of judgment: 06.05.2024

J U D G M E N T

IRSHAD ALI SHAH, J- The appellants are alleged to have robbed complainant Muhammad Imran and P.W Shahriyar of their cell phones and other belongings, for which the present case was registered against them. After the trial, they were convicted u/s 392 r/w 397 PPC and sentenced to undergo rigorous imprisonment for seven years with the benefit of Section 382(b) Cr.PC by learned IXth-Additional Sessions Judge/MCTC Karachi East vide judgment dated 06.06.2023 which they have impugned before this Court by preferring two separate appeals.

2. At the very outset, it is stated by learned counsel for the appellants that they would not press the disposal of the instant Appeals before this Court on merits, provided the sentence awarded to the appellants is reduced to three years by modifying the penal section, which is not opposed by learned DDPP for the State.

3. Heard arguments and perused the record.

4. Apparently, the weapons which the appellants are alleged to be having at the time of the incident were not used by them, therefore, the allegation of robbery against them would call for an action u/s 392 PPC, therefore, by modifying their conviction u/s 397 PPC with one u/s 392 PPC; the punishment awarded to them is reduced to rigorous imprisonment for three years with a fine of Rs.10,000/- each and in default in payment whereof they would undergo simple imprisonment for one month with the benefit of Section 382(b) Cr. PC.

5. Subject to the above modification, the instant Criminal Appeals are dismissed as not pressed.

JUDGE