

## **THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

Crl. Revision Application No.S-01 of 2020  
(*Mazhar Ali v. The State*)

Mr. Shoukat Ali Makwal, Advocate for the applicant.  
Mr. Nisar Ahmed Bhanbhro, Advocate for the complainant.  
Mr. Aftab Ahmed Shar, Additional P.G for the State.

Date of hearing(s): **14-05-2024**  
Date of decision: **14-05-2024**

### **J U D G M E N T**

**MUHAMMAD IQBAL KALHORO, J:-** Applicant Mazhar Ali Soomro faced a trial in Crl. Case No.54 of 2017, arising out of Crime No.63 of 2017, registered at P.S, Moro under section 489-F PPC and vide judgment dated 01.01.2019, he was convicted and sentenced to suffer R.I for three years with fine of Rs.40,000/- and in case of default, to suffer S.I for three months more. Against his conviction and sentence, he preferred Crl. Appeal No.01 of 2019, which was dismissed by learned appellate Court i.e. Additional Sessions Judge, Moro vide judgment dated 11.12.2019. Hence, this Crl. Revision Application for acquittal of the applicant.

2. It is, inter alia, contended by learned defense counsel that applicant is innocent having falsely been implicated in the case; that the applicant is a first offender and not previous convict and has family responsibilities; that due to his detention in prison, the applicant and his family have mentally and financially suffered; that the applicant has learnt a lesson and has regrets; that he committed the offence in compelling circumstances; therefore, he shows remorse and penitence; that while serving out sentence, the applicant has improved a lot and realized his mistake and wants to reform and rehabilitate himself as a respectable citizen. Lastly, learned defense counsel has stated that he does not press the instant Revision on merits if the sentence of the applicant is reduced to that of already undergone as he has served out major portion of his sentence.

3. These submissions have not been opposed by learned counsel appearing on behalf of complainant and learned Additional P.G for

the State and they have recorded no objection if the sentence awarded to the applicant is reduced to that of already undergone.

4. Jail roll dated 10.05.2024 shows that applicant has served out substantive sentence for 06-months and 08-days and remissions earned by him are 01-year 08-months and 06-days. The total 02-years 02-months and 14-days, he has suffered. There is no legal impediment in acceding to the request of learned defence counsel, not the least when it is not opposed by the learned counsel for complainant as well as learned Additional Prosecutor General, for reduction of sentence to that of already undergone. Therefore, in order to give a chance to applicant to rehabilitate himself, the instant Crl. Revision Application is **dismissed**. Nonetheless, while maintaining conviction of the applicant, his sentence inflicted on him by learned trial Court is reduced to that of the period already undergone by him. However, the order regarding payment of fine of Rs.40,000/- or 03 months SI on account of its default shall remain intact. The applicant shall be released on payment of fine or after the period in lieu of which he is required to undergo, if not required in any other custody case.

5. The Crl. Revision Application is **disposed of** in the terms, as stated above.

**J U D G E**

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