

IN THE HIGH COURT OF SINDH, AT KARACHI
Criminal Jail Appeal No. 616 of 2023

Appellant: Muhammad Arsalan through Mr. Iftikhar Ahmed Shah, advocate

The State: Ms. Rubina Qadir, DPG for the State

Date of hearing: 16.05.2024

Date of judgment: 16.05.2024

J U D G M E N T

IRSHAD ALI SHAH, J- It is alleged that the appellant robbed complainant Waqas Nazir of his wallet containing his CNIC and rupees five hundred, for which he was booked and reported upon by the police. After completion of the trial, the appellant was convinced u/s 397 PPC and sentenced to undergo rigorous imprisonment for seven years with the benefit of Section 382(b) Cr.PC by learned Xth-Additional Sessions Judge Karachi South vide judgment dated 31.10.2023 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 he would not press the disposal of the instant Criminal Jail Appeal before this Court on merits, provided the sentence awarded to the appellant is reduced to three years with a fine by modifying the penal section, which is not opposed by learned DPG for the State.

3. Heard arguments and perused the record.

4. Apparently, the weapon which the appellant allegedly was having at the time of the incident was not used by him, therefore, the allegation of robbery against him at the most would constitute an offence punishable u/s 392 PPC, therefore, by modifying his conviction u/s 397 PPC with one u/s 392 PPC, the sentence awarded to him is reduced to three years with a fine of Rs.10,000/- and in default in payment whereof he would undergo S.I for one week with the benefit of Section 382(b) Cr. PC.

5. Subject to the above modification, the instant Criminal Jail Appeal is dismissed as not pressed.

JUDGE