

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Appeal No. 405 of 2023

Appellant: Shoukat Ali through Ms. Zainab Bibi,
advocate

The State: Through Ms. Rubina Qadir, Deputy
Prosecutor General 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 subjected Mst. Sidra, a young girl aged 14 years, his daughter, to rape, for which he was booked and reported upon. On conclusion of trial, he was convicted u/s 376 PPC and sentenced to undergo rigorous imprisonment for 10 years and to pay fine of Rs. 10,000/- and in default in payment whereof to undergo simple imprisonment for three months with benefit of section 382(b) Cr. P.C by learned II-Additional Sessions Judge Karachi Central, vide judgment dated 24.06.2023, which is impugned by him before this Court by preferring the instant Criminal Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that the appellant is on the verge of completion of his sentence and she would not press the disposal of the instant appeal before this Court on merits, provided the sentence which the appellant is likely to undergo on account of non-payment of fine is reduced to a considerable extent, which is not opposed by learned DPG for the state.

3. The FIR of the incident is lodged with a delay of more than four months. The appellant is aged person of 46 years. By not pressing his appeal on merits, he has shown remorse, thus there is a likelihood of his reformation. Considering all these facts as mitigating circumstances, the sentence that the appellant is likely to undergo on account of nonpayment of fine is reduced to one week with the benefit of Section 382(b) Cr. PC.

4. Subject to the above modification, the instant criminal appeal is dismissed as not pressed.

JUDGE