

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Appeal No. 609 of 2023

Appellant: Muhammad Sarwar through Mr. Nazakat Ali Mirani, advocate
The State: Ms. Rubina Qadir, DPG for the State
Date of hearing: 31.05.2024
Date of judgment: 31.05.2024

J U D G M E N T

IRSHAD ALI SHAH, J- The appellant for being in possession of an unlicensed pistol of 30 bores with a magazine containing three live bullets of the same bores was convicted under Section 24 of the Sindh Arms Act, 2013, and sentenced to undergo rigorous imprisonment for five years with fine of Rs.20,000/- and in default in payment whereof to undergo simple imprisonment for three months, with benefit of section 382(b) Cr. P.C by learned XIIth-Assistant Sessions Judge, Karachi West vide judgment dated 06.11.2023, which the appellant has impugned before this Court by preferring the instant Criminal Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that as per jail roll, the appellant has already undergone the substantial sentence of 01 year, 06 months and 10 days, besides this has also earned remission of 03 years, 11 months and 04 days, therefore, he would not press the disposal of the instant Criminal Appeal before this Court on merits, provided the sentence awarded to the appellant is reduced to one, which he has already undergone, which is not opposed by learned DPG for the State.

3. Heard arguments and perused the record.

4. The appellant is a young man of 27 years of age, said to be the sole bread earner of his family, by not pressing the disposal of his appeal on merits he has shown remorse as such there is a likelihood of his reformation. Considering all these factors as mitigating circumstances, the sentence awarded to the appellant for the said offence is reduced to one that he has already undergone; it includes the sentence that he is likely to undergo on account of his failure to make payment of a fine.

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

JUDGE