

JUDGMENT SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Appeal.No.246 of 2022

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
-------------	--

1. For hearing of main case.
2. For hearing of MA No.4890/2022

16.08.2024

Mr. Shah Imroz Khan, Advocate for the appellant.

Mr. Habib Ahmed, Special Prosecutor, ANF

= * = * = * = * = *

IRSHAD ALI SHAH, J.- The appellant for having 20 kg. of heroin, powder was booked and reported by the ANF police, PS Clifton, Karachi and on the conclusion of the trial was convicted u/s 6/9 of CNS Act,1997 and sentenced to undergo imprisonment for life and to pay a fine of Rs.300,000/- (Rupees Three Lacs) and in default in payment whereof to undergo further imprisonment for three years with the benefit of Section 382(b) Cr.PC, by learned Judge, Special Court No.II (CNS) Karachi, vide judgment dated 31.03.2022, which is impugned by the appellant 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 as per jail roll, inclusive of the remission, has already undergone more than 25 years of the sentence and is in jail for want of payment of fine, which he could not pay being poor, therefore, he would not press disposal of instant criminal appeal before this Court on merits provided the sentence which the appellant is undergoing on account of non-payment of fine is reduced to a considerable extent which is not opposed by learned Special Prosecutor ANF.

3. Heard arguments and perused the record.

4. The appellant is an old man of 62 years and has a large family to maintain; by not pressing disposal of his appeal on merit, he has shown remorse, thus, there is the likelihood of his reformation. Considering all these factors as mitigating circumstances, the sentence of imprisonment which the appellant is undergoing on account of non-payment of fine is reduced to imprisonment for ten months with the benefit of Section 382(b) Cr.PC.

5. The instant criminal appeal, subject to the above modification, is dismissed as not pressed.

JUDGE

JUDGE