

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Cr. Appeal No.S-108 of 2022

Date of hearings: 12.09.2024.
Date of decision: 12.09.2024.
Appellant: Abdul Rehman
Through Mr. Imdad Ali Malik advocate.
Complainant: Bilal Ahmed having CNIC No.41601-0652923-7
is present in person along with his mother Mst.
Shehnaz Aftab having CNIC No.41601-
0616913-6.
The State: Through Ms. Sana Memon, APG.

J U D G M E N T

ZULFIQAR ALI SANGI, J.- The appellant has impugned his conviction and sentence awarded to him vide judgment dated 27.08.2022 passed by learned Additional Sessions Judge-II, Tando Muhammad Khan in Sessions Case No.186/2021, Crime No.83/2021, U/S 377-B, 34 PPC, PS Tando Muhammad Khan.

2. Learned counsel for the appellant after arguing the case has submitted that appellant is the first offenders and is the only bread earners for his family; that he would not press the appeal on merits if by taking a lenient view his sentence is reduced to the period already undergone by him.

3. Learned Assistant PG and complainant present in person along with his mother have recorded no objection to this proposal.

4. I have heard the parties and perused material available on record. I am of the view that the conviction of the appellant is based on cogent reasons. As per jail roll called from the Senior Superintendent /Officer Incharge Central Prison & Correctional Facility Hyderabad appellant has served out sentence of 02 years and 15 days and earned remission of 01 year, 10 months and 13 days **in total he has served sentence of 03 years 10 months and 28 days** which shows that the appellant has been sufficiently punished. The appellant is first offender. No past criminal history against him is placed on record before the trial Court nor this Court.

5. Consequently, the conviction is maintained, however, the sentences awarded to the appellant by the Trial Court is reduced to one which the appellant has already undergone including the fine. The appellant is in jail. He shall be released forthwith if not required in any other case.

6. The appeal in hand is disposed of in the terms as stated above.

JUDGE

Ali Haider