

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

Criminal Appeal No.S-154 of 2022

Date of hearing: 19.09.2024

Date of decision: 19.09.2024

Applicant: Muhammad Faisal
Through Mr. Muhammad Sabir Hussain
advocate.

The State: Through Ms. Rameshan Oad, A.P.G.

J U D G M E N T

ZULFIQAR ALI SANGI, J.- Learned counsel for the appellant submits that, admittedly, the appeal is not maintainable and the appellant should have filed a Revision Application; however, due to a bona fide mistake, an appeal was preferred. Therefore, he requests that this Criminal Appeal may be converted into a Criminal Revision Application. The learned APG has no objection. Accordingly, this appeal is converted into a Criminal Revision Application. The office is directed to renumber it.

2. The applicant has impugned the judgment dated 01.03.2022 passed by learned Sessions Judge Hyderabad in Criminal Appeal No.02 of 2021, whereby he dismissed the appeal and maintained the conviction and sentence awarded to the applicant vide judgment dated 17.12.2021 passed by learned Civil Judge and Judicial Magistrate-I/Model Trial Magistrate Court-II, Hyderabad in Criminal Case No.07/2021. The applicant was convicted and sentenced to imprisonment for three years and to pay fine of Rs.20,000/-, in default of payment further to undergo for two months.

3. Learned counsel for the applicant after arguing the case has submitted that applicant is the first offender and is the only bread earners for his family; that he would not press the Criminal Revision Application on merits if by taking a lenient view his sentence is reduced to the period already undergone by him.

4. Learned Assistant PG has recorded no objection to this proposal.

5. I have heard the parties and perused material available on record. After re-assessment of the evidence produced by the prosecution, I am of the view that the conviction of the applicant is based on cogent reasons. As per jail roll called from the Senior Superintendent / Officer Central Prison Correctional Facility Hyderabad applicant has served out

sentence of 01 year 02 months and 02 days and earned remission of 01 year 06 months and 26 days **in total he has served sentence of 02 years 08 month and 28 days** which shows that the applicant has been sufficiently punished. The applicant is first offender. No past criminal history against him is placed on record before the trial Court nor this Court.

6. Consequently, the conviction is maintained, however, the sentences awarded to the applicant by the Trial Court is reduced to one which the applicant has already undergone. He is on bail, his bail bond is cancelled and surety discharged.

7. The Criminal Revision Application in hand is disposed of in the terms as stated above.

JUDGE

Ali Haider