

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.  
Special Crl. Jail Appeal No. D - 22 of 2023

**Before:**

*Mr. Justice Irshad Ali Shah*  
*Mr. Justice Zulfiqar Ali Sangi*

Appellant: Sikandar Ali son of Dur Muhammad Golo, (Now  
Confined in Central Prison Khairpur)  
Through Mr. Rukhsar Ahmed Junejo, Advocate.

The State: Through Syed Sardar Ali Shah Rizvi Additional, P.G.

Date of hearing: 21-02-2024.

Date of decision: 21-02-2024.

**J U D G M E N T**

**IRSHAD ALI SHAH, J.** The appellant is alleged to have been transporting through his truck 40 mounds of Poppy straw for that he was booked and reported upon by Excise Police of EPS Kotdiji. On conclusion of trial, he was convicted u/s 9 (C) of CNS Act, 1997 and sentenced to undergo Rigorous Imprisonment for life and to pay fine of Rs. 100,000/-, (one lacs) and in default in payment whereof to undergo simple imprisonment for six months with benefit of section 382 (b) Cr.P.C by learned Ist Additional Sessions/Special Judge (CNS)/(MCTC), Khairpur vide judgment dated 03-04-2023, which he has impugned before this Court by preferring the instant Special Crl. Jail Appeal.

2. At the very outset, it is stated by learned counsel for the appellant is at the verge of completing his sentence; therefore, under instructions he would not press the disposal of instant Special Crl. Jail Appeal before this Court on merits, provided the sentence which the appellant is likely to undergo on account of his failure to make payment of fine is reduced to considerable extent, which is not opposed by learned Additional P.G for the State.

3. Heard arguments and perused the record.

4. The appellant as per jail role is 33 years of the age; no criminal record against him has been brought on the file; he is said to be sole bread earner of his family and by not pressing the disposal of his appeal before this Court on merits has shown remorse thus there is likelihood of his reformation. By considering all these factors as mitigating circumstances, the simple imprisonment for six months which the appellant is likely to undergo on account of his failure to make payment of fine is reduced to simple imprisonment for 15 days with benefit of section 382 (b) Cr.P.C.

5. The instant Special Crl. Jail Appeal is disposed of subject to above modification.

**J U D G E**

**J U D G E**