

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Criminal Revision Application No.S-23 of 2003

Applicants: Nisar Shah through Mr. Ishrat Ali Lohar, Advocate.

Respondent: The State through Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Date of hearing: 19.11.2021.

Date of Decision: 19.11.2021.

**ORDER**

**AMJAD ALI SAHITO, J.** Through this Criminal Revision Application, the applicant has challenged the judgment dated 30.04.2003, passed by learned VI<sup>th</sup> Additional Sessions Judge, Hyderabad in Criminal Appeal No.56 of 2002 whereby the appeal of the applicant was dismissed and maintained the judgment dated 24.10.2002 passed by the learned V<sup>th</sup> Extra Joint Civil Judge & FCM, Hyderabad in Criminal Case No.79 of 2001 whereby the applicant was convicted and sentenced to suffer R.I for one year and fine of Rs.5000/-; in default whereof, to suffer three months more R.I, in crime No.14/2001 u/s 3 & 4 Prohibition (Enforcement of Hadd) Ordinance, 1979, registered at PS Site, Hyderabad.

**2.** At the very outset, learned counsel for applicant contends that though the applicant has been involved in the instant case falsely but since the applicant has remained behind the bars for sufficient time and still is being dragged since 2001, as such, he would not press the instant criminal revision application, if a lenient view is taken against the applicant by dismissing the instant criminal revision application and treating the sentence to one as already undergone.

3. On the other hand, learned Assistant Prosecutor General Sindh states that the applicant has remained behind the bars for sufficient period and learnt the lesson, therefore, she has no objection if a lenient view is taken against the applicant by dismissing the instant criminal revision application and treating the sentence to one as already undergone; however, she contends that the fine amount may be reduced from Rs.5,000/- (Rupees five thousands only) to Rs.500/- (Rupees hundred only).

4. It appears that this criminal revision application is pending before this Court since 2003; the matter pertains to the year 2001; the applicant has remained in jail and learnt the lesson as he has undergone for sufficient period of the sentence and is being dragged since 2001 in the instant crime. So far payment of the fine amount as proposed by learned A.P.G. is concerned, the applicant was asked as to whether he is ready to deposit the fine amount Rs.500/- today, to which he replied in affirmative and on the direction of this Court he deposited the same with the Accountant of this Court and placed on record such receipt. Consequently, while taking a leniency, instant Criminal Revision Application is **dismissed** but with modification that the sentence is reduced to one as already undergone by the applicant with reduction of fine amount from Rs.5,000/- to Rs.500/-, which he has already deposited. The applicant is present on bail. His bail bonds stand cancelled and surety discharged. The office shall return surety papers to the surety after proper verification and identification as per rules.

5. Instant Criminal Revision Application is dismissed with above modification.

**JUDGE**