

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.  
Special CrI. Appeal No. D - 195 of 2019

**Before:**

*Mr. Justice Irshad Ali Shah*

*Mr. Justice Zulfiqar Ali Sangi*

Appellants: Ali Hassan S/o Nazar Muhammad Rukhshani and  
Muhammad Rafique S/o Abdul Hameed, (Confined  
in Central prison Sukkur)  
Through M/s A.R Faruq Pirzada, Ghulam Hyder  
Daudpoto and Faraz Khan, Advocates

The State: Through Mr. Muhammad Farooque Ali Jatoy, Special  
Prosecutor ANF Sukkur

Date of hearing: 06-03-2024.  
Date of decision: 06-03-2024.

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

**IRSHAD ALI SHAH, J.** The appellants are alleged to have been transporting 138 kilograms of the charas duly kept by them in secret cavity of their Car, for that they were booked and reported upon by ANF Police Sukkur. On conclusion of trial, they were convicted u/s 9 (c) of CNS Act, 1997 and sentenced to undergo Imprisonment for life and to pay fine of Rs.100,000/-, (One lac) each and in default in payment whereof to undergo simple imprisonment for one year, respectively, with benefit of section 382(b) Cr.P.C by learned IIIrd. Additional Sessions Judge (MCTC-II)/ Special Judge (CNS), Sukkur vide judgment dated 04-09-2019, which they have impugned before this Court by preferring the instant Special CrI. Appeal.

2. At the very outset, it is stated by learned counsel for the appellants that in collusive of remission, the appellants have already remained in jail for about 19 years of the sentence; therefore, under instructions he would not press the disposal of instant Special CrI. Appeal before this Court on merits, provided the sentence which the appellants are likely to undergo

on account of their failure to make payment of fine is reduced to considerable extent, which is opposed by learned Special Prosecutor ANF Sukkur.

3. Heard arguments and perused the record.

4. The appellants as per jail role are 30 years of the age; no criminal record against them has been brought on file; they are said to be sole bread earner of their families and by not pressing the disposal of their appeal on merits, they have shown remorse, thus there is likelihood of their reformation. By considering all these factors as mitigating circumstances, the simple imprisonment for one year which the appellants are likely to undergo on account of their failure to make payment of fine is reduced to simple imprisonment for one month with benefit of section 382(b) Cr.P.C.

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

**Judge**

**Judge**

ARBROHI