IN THE HIGH COURT OF SINDH, AT KARACHI
Criminal Appeal No. 357 of 2023

Appellant:	Muhammad Sami through Mr. Habib-ur-Rehman Jiskani, advocate
The State:	Through Ms. Rubina Qadir, DPG for the State
Date of hearing:	22.04.2024
Date of judgment:	22.04.2024

J U D G M E N T

IRSHAD ALI SHAH, J- It is alleged that on arrest from the appellant was secured unlicensed pistol of 30 bore with magazine containing three live bullets of same bore which he allegedly was having at the time of robbery, for that he was booked and reported upon by the police. On conclusion of trial, he was convicted under section 23(i)(a) of Sindh Arms Act, 2013 and sentenced to undergo rigorous imprisonment for five years with fine of Rs.20,000/- and in default in payment whereof to undergo simple imprisonment for 06 months, with benefit of Section 382(b) Cr.P.C by learned XIIth-Additional Sessions Judge, Karachi East, vide judgment dated 13.08.2022, which is impugned by him before this Court by preferring the instant Criminal Appeal.

2.   At the very outset, it is stated by learned counsel for the appellant that he would not press disposal of instant Criminal Appeal before this Court on merits, provided the sentence awarded to the appellant is reduced to considerable extent by considering the mitigating circumstances of the case, which is not opposed by learned Deputy PG for the State.

3.   Heard arguments and perused the record.

4.   The appellant is the young man of 25 years of age and said to be sole bread earner of his family, by not pressing the disposal of his appeal on merits, he has shown remorse, thus there is likelihood of his reformation. By considering all these factors as mitigating circumstances, the sentence awarded to the appellant for the said offence is reduced to rigorous imprisonment for two years with fine of Rs.10,000/- and in default in payment whereof he would undergo simple imprisonment for one month, with benefit of Section 382(b) Cr.PC.

5.   The instant Criminal Appeal subject to above modification is dismissed as not pressed.

JUDGE

Nadir*