

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
**Criminal Appeal No.S-270 of 2019**

**Appellants:** 1) Irshad Ali son of Muhammad Urs Mallah,  
2) Mehboob Ali son of Muhammad Urs Mallah,  
3) Mashooque Ali son of Muhammad Urs Mallah  
4) Sajjad Ali son of Muhammad Urs Mallah,  
Through Mr. Mazhar Ali Laghari, Advocate.

**Complainant:** Abdul Ghaffar son of Allahdino Mallah.  
Through Mr. Haji Khan Brohi, Advocate.

**State:** Ms. Rameshan Oad, A.P.G.

**Date of hearing:** 16.01.2025

**Date of decision:** 16.01.2025

**JUDGMENT**

**AMJAD ALI SAHITO, J:-** The appellants were convicted and sentenced to suffer R.I for two years vide judgment dated 19.09.2019 by the learned Additional Sessions Judge-I, Tando Muhammad Khan, which is impugned by the appellants before this Court by way of instant appeal.

2. At the very outset, it is stated by learned counsel for the appellants that he would not press the instant appeal on merits, if the sentence/conviction awarded to the appellants by learned trial Court is reduced to one which is already undergone by him for the reasons that they are the first offender and poor persons and only the source of bread earner for their family.

3. Learned A.P.G for the State recorded her no objection if, the conviction is maintained and sentence is reduced to the one already undergone by the appellants. Likewise, learned counsel for the complainant raised no objection.

4. I have thoroughly examined the record with the able assistance of learned A.P.G and Counsel for the appellants.

5. Perusal of record reflects that appellants have already been remained in jail for a definite period and facing the trial since long. Having gone through the entire evidence as well as record, I am of the view that the conviction of the appellants is based on cogent reasons. The appellants are first offenders. No past criminal history against them is placed on record. They are very poor persons and they are only the source of bread earner for their family, who remained in jail for a considerable period, therefore, in the present scenario of the case, the appellants have been sufficiently punished by facing the trial from 2019 and too remaining in jail while they are also attending the Courts severely. Under these circumstances, they need to be given chance in their life to rehabilitate themselves.

6. Consequently, in view of above, the appellants deserve leniency. While taking lenient view, I dismiss this appeal on merits; however, reduce the sentence to one already undergone by the appellants. Appellants are present on bail, their bail bonds stands cancelled and surety is discharged. However, office is directed to return the surety papers to the surety after proper verification and identification.

7. The instant appeal is disposed of accordingly.

**JUDGE**