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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Appeal No. D- 45 of 2023

Date of hearing	Order with signature of Judge
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1. For orders on office objection-A.
2. For orders on MA No.2761 of 2023. E/A
3. For hg. of main case.
4. For hg. of MA No.1380 of 2024. (426 Cr.PC)
5. For hg. of MA No.2762 of 2023. (426 Cr.PC)

06.03.2025.

Mr. Imtiaz Ali Mugheri, Advocate for the appellant.

Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh

Right at the outset, Mr. Bullo, learned Deputy Prosecutor General, has pointed out that the learned Judge has erred in sentencing the accused. The learned Judge has relied on the decision in *Ghulam Murtaza v. the State (PLD 2009 Lahore 362)* and has awarded 4 and 1/2 sentence of imprisonment to the appellant. Mr. Bullo, has pointed out that the CNS Act was amended on 6th September 2022, in which the minimum sentence to be given, if a case was proved against a person for possessing above 01 KG of Charas is 09 years and the maximum sentence is 14 years. The case is remanded back to the learned trial court in order to rewrite the judgment taking in account the legal position.

Appeal stands disposed of in above terms.


JUDGE


JUDGE

S.Ashfaq