

**IN THE HIGH COURT OF SINDH AT  
KARACHI**

**PRESENT:**

***Mr. Justice Mohammad Karim Khan Agha  
Mr. Justice Arshad Hussain Khan.***

**Cr. Appeal No.183 of 2022**

Appellant : Gul Meer S/o Allah Dino through Syed Zafar Ali Shah, advocate

Respondent : The State through Mr. Ali Haider Saleem Additional Prosecutor General, Sindh.

Date of Hearing : 06.12.2022

Date of Order : 06.12.2022

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

**Mohammad Karim Khan Agha, J:-** The Appellant Gul Meer was convicted in the Court of Model Criminal Trial Court / 1<sup>st</sup> Additional District & Sessions Judge, Malir, Karachi in Sessions Case No.1303 of 2021 in Crime No.145 of 2021 under Sections 6/9-C of CNS Act, 1997 registered at Police Station Sharafi Goth and vide impugned Judgment dated 10.02.2022 and was convicted and sentenced to suffer R.I. for ten years and to pay fine of Rs.200,000/- (Rupees Two Lac). In case of failure to pay the fine appellant was to undergo six months simple imprisonment in addition to his main sentence. Benefit of Section 382-B Cr.P.C. was also extended to the appellant.

2. The brief facts of the case are that on 27.03.2021 at about 0945 hours, at Service Road Allah Dad Goth, near Ghousia Masjid Landhi, Karachi, a police party headed by SIP-Umer Hayat of P.S Sharafi Goth apprehended the accused namely Gul Meer son of Allah Dino and from the possession of

accused police recovered 03 packets Cannabis (Chars) wrapped in white shopper total weighing 3700 Grams in presence of mashirs, hence the instant FIR was registered.

3. After usual investigation, Investigating Officer submitted challan and the appellant was sent up to face trial. He pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined three PWs and exhibited various items and other documents. The appellant in his statement recorded under Section 342 Cr.P.C. denied allegations leveled against him. He did not give evidence on oath or call any witness in support of his defence.

5. After appreciating the evidence on record, the learned trial Court convicted and sentenced the appellant as set out earlier and hence, the appellant has filed this appeal against his conviction and sentence.

6. The facts of the case as well as evidence produced before the trial court find an elaborate mention in the impugned judgment dated 10.02.2022 passed by the trial court and, therefore, the same may not be reproduced here so as to avoid duplication and unnecessary repetition.

7. At the very outset, learned counsel for the appellant under instructions of the appellant stated that he did not press this appeal on merit as the appellant accepted his guilt provided that he was given some reasonable reduction in sentence based on following special features/mitigating circumstances :-

- a) The appellant is a young man and has large family to support.

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- b) The appellant is first time offender and capable of reformation.
- c) By accepting his guilt the appellant has shown genuine remorse and saved the time of this court.
- d) The appellant had served out a substantial portion of his sentence.

8. Learned Additional Prosecutor General has no objection to some reasonable reduction in sentence of the appellant based on the above mitigating factors.

9. We have gone through the evidence on record of three PWs to be reliable, trustworthy and confidence inspiring who arrested the appellant on spot red-handed and recovered 03 packets Cannabis (Chars) wrapped in white shopper total weighing 3700 Grams which led to a positive chemical report after being kept in safe custody, as such, we find that the prosecution has proved its case against the appellant beyond a reasonable doubt and the appellant's conviction is maintained.

10. With regard to the sentencing based on the above mitigating factors and in particular no objection given by the Addl. Prosecutor General Sindh and the fact that the appellant has served out a major portion of his sentence we hereby reduce the sentence of the appellant to the period already undergone in custody and waive off any fine payable by him. The appellant shall be released unless he is wanted in any other custody case.

11. The instant appeal stands disposed of in the above terms.