

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Cr. Revision Application No.S-51 of 2024

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
	1. For orders on office objection "A" 2. For orders on MA No.1384/2025 (345[2]) 3. For orders on MA No.1385/2025 (345[6]) 4. For hearing of main case. 5. For hearing of MA No.5083/2024 (426)

06-10-2025

Mr. Shahbaz Ali M. Brohi, Advocate for the applicant.
Mr. Nazir Ahmed Bhangwar, Deputy Prosecutor General.

The applicant was convicted for an offence punishable u/s 392 PPC to undergo R.I for 03 years and to pay a fine of Rs.25000/- in default of payment of fine he was to further suffer R.I for 06 months, with benefit of section 382-B Cr.P.C, vide judgement dated 29-05-2024, passed by learned Civil Judge & Judicial Magistrate-II, Shikarpur. The appeal was preferred which too was declined by the court of learned 03rd Additional Sessions Judge Shikarpur in Cr. Appeal No.8/2024 vide judgment dated 03-08-2024.

Applicant has preferred this revision application against the concurrent findings of the courts blow. When confronted about illegality and infirmity in appraisal of the evidence by courts blow, learned counsel failed to point out the same. However, he requested that the applicant was in jail since his arrest on 24-03-2024 and he will be satisfied if the conviction awarded to the appellant is maintained and the sentence may be modified and reduced to that of already undergone.

Section 392 PPC provides punishment in the following manner:-

“392. Punishment for robbery. Whoever commits robbery shall be punished with rigorous imprisonment for a term which ^[2][shall not be less than three years nor more than] ten years, and shall also be liable to fine; and, if the robbery be committed on the Highway ^[6][.....] the imprisonment may be extended to fourteen years”.

The above provision of law laid down that the conviction u/s 392 PPC shall be not less than 03 years and more than 10 years and if the said offence was committed on highway, it may be extended up to 14 Years.

The applicant is accused of snatching a motorbike, Rs.5000/- cash and a VGOTEL keypad mobile from the complainant. Such charge stood established against him before the court below and he was convicted and sentenced to RI for three years. Learned Trial Court has already taken a lenient view by awarding lesser punishment.

Per the jail roll dated 02-05-2025 submitted Senior Superintendent Sukkur Prison it transpired that the applicant has remained in prison for a period of 02 years, 11 months and 21 days and the un-expired portion of the sentence was 06 months and 09 days. The jail roll was submitted four months ago and if the period of these four months is counted towards the conviction of applicant, it is evidenced that the applicant has already undergone the substantive portion of the sentence of three years and he was in prison for non-payment of fine amount. It is also on record that out of 06 months of the punishment awarded for the default in payment of the fine amount applicant has served almost 04 months and he is required for incarceration of 02 months. Besides, the complainant of the case Huzoor Bux has also filed an affidavit, wherein he has stated that parties have patched up and he has got no objection if the applicant is acquitted of the charge.

Learned Deputy Prosecutor General in the above development frankly accedes to the proposal of Learned Defence

Counsel, if the conviction awarded to the applicant and the sentence is modified as to that of undergone.

Since the applicant has served out the substantive portion of the sentence of three years and he was in jail for non-payment of fine amount, thus is a good ground to modify the sentence by maintaining the conviction.

For the aforementioned reasons, the conviction and sentence awarded to the applicant is maintained. However, the sentence awarded to the applicant in lieu of default in payment of fine is modified, which shall be three months instead of six months. Since the applicant has already spent the three years and four months period in jail, he is directed to be released forthwith if not required for incarceration in any other custody case.

This Cr. Revision Applicant stands disposed of.

JUDGE