

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Jail Appeal No. S-22 of 2022

Appellant : Qutub son of Muhammad Qasim Ghoto
Through Mr. Ubedullah Ghoto, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 21.11.2025
Date of decision : 21.11.2025
Reasons recorded on : 24.11.2025

ORDER

KHALID HUSSAIN SHAHANI, J.– The appellant, Qutub son of Muhammad Qasim Ghoto, challenges the judgment dated 25.03.2022, delivered by the learned Additional Sessions Judge-I (MCTC), Ghotki, in Sessions Case No.95/2018 arising out of Crime No.48/2018 registered at Police Station B-Section Ghotki. The appellant was convicted for offence under Section 24 of the Sindh Arms Act, 2013, and sentenced to rigorous imprisonment for ten years, alongside a fine of Rs. 50,000/-, with an additional two months' simple imprisonment in default thereof. The appellant was granted the benefit of Section 382-B Cr.P.C.

2. The FIR, lodged by ASI Shahzado Sanghar, narrates that on 18.07.2018, while posted at CIA Ghotki and performing patrolling duties, the complainant, acting on spy information, apprehended the appellant along with others who were wanted in Crime No. 6/2018 under Sections 302, 109, 506/2, 148, and 149 PPC of PS Gemro. From the appellant's possession, an unlicensed Kalashnikov rifle and 15 live 7.62 bore bullets were recovered under mashirnama, leading to the registration of the instant FIR.

3. Counsel for the appellant submits that the appellant has been acquitted in the principal case (Crime No. 6/2018) pursuant to a compromise and thus seeks that the sentence already served by the appellant be treated as sufficient punishment, urging that the appeal be disposed of on this basis.

4. The learned Deputy Prosecutor General has not opposed the reduction of sentence in view of the acquittal in the main case.

5. The prescribed punishment under Section 24 of the Sindh Arms Act, 2013 extends up to ten years' rigorous imprisonment. Significantly, the appellant has remained in custody since 18.07.2018 and has thus undergone over seven years' incarceration. Given this period served and the appellant's acquittal in the primary case, no legal obstacle exists to accede to the appellant's request, which is further unopposed by the prosecution.

6. Accordingly, while the appeal on merits is dismissed and the conviction under Section 24 remains intact, the sentence is commuted to the period already undergone by the appellant, inclusive of the default imprisonment for non-payment of fine. The appellant shall be released forthwith if not held in connection with any other lawful custody, as per the short order dated 21.11.2025. These constitute the reasons for this order.

J U D G E