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IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Appeal No.S-69 of 2022

Akbar Ali

V/S

The State

Appellant: Through Mr. Muhammad Afzal Jagirani,
Advocate.

State: Through Mr. Ali Anwar Kandhro, Additional
Prosecutor General, Sindh.

Date of Hearing: 03.02.2025

Date of Decision: 03.02.2025

ORDER

Omar Sial, J.- Appellant Akbar Ali son of Ali Muhammad Gopang impugns the Judgment dated 13.12.2022, passed by learned Ist Additional Sessions Judge (MCTC), Shikarpur in Sessions Case No.241/2008, emanating from F.I.R. No.61/2008, registered at New Foujdari Police Station for offence under sections 324, 452, 337-A(i), F(iii)(v) P.P.C.

2. Learned counsel at the outset submits that he will not argue the appeal on merits if a lenient view is taken and the time spent by the appellant in jail is treated as his final sentence. The jail roll, which has been furnished, shows that the appellant has undergone nearly five years of his punishment including remissions, which have been given to him till date. Although the Jail Roll shows that the total sentence given to the appellant was 20 years and 6 months, this appears to be an error made by the Superintendent in calculating the present time. The judgment impugned in these proceedings reflects that although different sentences were awarded yet they were ordered to run concurrently.

3. Complainant is called absent today; however record reflects that on 19.07.2024 he was present in person and had shown full confidence over learned Additional Prosecutor General. Learned Additional Prosecutor General, Sindh does not have an objection if the time, which the appellant has spent in jail, is treated as his final sentence.

4. I have heard arguments of the learned counsel for the appellant and the learned Additional Prosecutor General. The jail roll also reflects that the conduct of the appellant in the jail has been satisfactory.

5. Keeping in view that the appellant is an aged person is repentant and due to his repentance, time of this Court has been saved. Taking the lenient view, the sentence, which he has already undergone, is treated as his final sentence. He will however be obliged to pay daman amount whereas the fine amount he has to pay is reduced to Rs.10,000/-. The appellant may be released once daman and fine amounts are deposited.

Appeal stands disposed of in the above terms.


3/2/25
JUDGE