

**THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

Criminal Jail Appeal No.D-36 of 2022

Before:

Mr. Justice Muhammad Saleem Jessar
Mr. Justice Khadim Hussain Soomro

Appellant: Jamshed Shaikh.


Respondent: The State, through Mr. Ali Anwar
Kandhro, Additional Prosecutor General,
Sindh.

Date of hearing: 01.11.2023.

Date of Judgment: 01.11.2023.

J U D G M E N T

MUHAMMAD SALEEM JESSAR, J. Through this Criminal Jail Appeal, the appellant has challenged Judgment dated 01.11.2022, passed by learned Special Judge for CNS/Sessions Judge, Kashmore at Kandhkot in Special Narcotics Case No.14 of 2022 vide Crime No. 27/2022, registered at P.S. B-Section, Kandhkot for the offence under section 9(c) CNSA, 1997, whereby the appellant was convicted and sentenced to for the offence under section 9(c) CNSA, 1997 for possessing 2410 grams of chars to undergo R.I for five years and six months with fine to the tune of Rs.25000/- (Rupees Twenty Five Thousands only); in case of default to undergo S.I for five months and fifteen days more. However, the benefit of Section 382-B Cr.P.C. was extended to the appellant.




2. Pursuant to directions contained in the order dated 25.10.2023 as well as in the earlier part of the day, the jail authorities has produced appellant Ashique Ali Gadehi alongwith his jail roll, which is taken on record. The appellant produced in custody submits that he being pauper has no means to engage his counsel, and that he is the only bread earner of his family; as such, he does not wish to contest this Criminal Appeal and leave himself at the mercy of the Court. He states that if this Court while maintaining the conviction reduces the sentence to one he has already undergone, he would not press the Criminal Appeal.

3. On the other hand, learned Additional Prosecutor General, Sindh concedes that the appellant has remained behind the bars for sufficient period and has learnt the lesson; therefore, he has no objection if a lenient view is taken against him by dismissing instant Criminal Appeal and treating the sentence to one as already undergone.

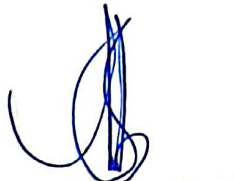
4. We have heard appellant produced in custody and learned Additional Prosecutor General and have gone through the material available on record. The witnesses have supported each other on all salient features of the case and there appears to be no worthwhile contradictions. The Jail Roll of the appellant was called from the concerned jail, which reflects that the appellant has served out major portion of his sentence including remission. The appellant is sole bread earner of his family and has remained in jail and learnt the lesson as he has undergone sufficient period of his sentence, therefore, there is no legal impediment in accepting the request of the appellant.

5. Only in order to enable the appellant to reform and rehabilitate himself to rejoin the mainstream life to once again become a useful member thereof, by taking leniency, instant Criminal Appeal is dismissed, but with the reduction of his sentence to one as already undergone by the appellant including



fine amount. Appellant is produced in custody; his custody is remanded back to the concerned jail with direction to release him forthwith if his custody is not required in any other custody case. Office is directed to issue release writ of the appellant today.

6. Instant Criminal Appeal is dismissed with the above modification.



JUDGE



JUDGE

Manzoor