

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT  
H Y D E R A B A D**

**Criminal Jail Appeal No.S-209 of 2022**

Appellant: Zakir son of Huzoor Bux Mashori,  
through Mr. Waseem Hussain Jaferi,  
Advocate.

Complainant: The State through Mr. Shawak Rathore,  
Deputy Prosecutor General.

Date of hearing : 12.11.2025.  
Date of judgment : 12.11.2025.

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

**Arshad Hussain Khan, J.** Through instant criminal appeal, appellant Zakir has impugned the judgment dated 03.12.2022 passed by learned Model Criminal Trial Court-II / Additional Sessions Judge-IV, Hyderabad, for offence under Section 25-A of Sindh Arms Act, 2013, whereby he has been convicted and sentenced to suffer R.I for 05 years and to pay fine of Rs.20,000/-, in default thereof, to suffer S.I for one month more; however, with benefit of Section 382-B Cr.P.C.

2. At the very outset learned Counsel for the appellant submits that he would be satisfied and shall not press this appeal on merits, if the sentence awarded to the appellant viz. R.I for 05 years is reduced to one already undergone by him including the conviction in lieu of fine. He further submits that in main case bearing Crime No.34 of 2021 of P.S Hatri the appellant has been acquitted by this Court in lieu of compromise entered into between the parties, therefore, this case being an offshoot of the said main case may also be disposed of as the appellant is a poor person and is surviving bread earner of his family,

hence, prayed for lenient view.

3. Learned DPG has conceded to the proposition of appellant's Counsel that sentence awarded to the appellant may be reduced to one already undergone by him.

4. I have heard learned Counsel for the appellant as well as learned DPG and perused the record made available before me. Perusal of record reflects that appellant during investigation of main case bearing Crime No.34 of 2021 was apprehended by complainant SIP Pahardin of P.S Hatri District Hyderabad on 17.03.2021 and from his possession a crime weapon i.e. T.T. pistol of 30 bore alongwith two live bullets was recovered which he used in commission of the offence in the aforesaid crime. Perusal of the impugned judgment, it also appears that appellant has been awarded sentence to suffer R.I for 05 years vide impugned judgment dated 03.12.2022. Per learned Counsel, the appellant was also arrested in main case; however, he has been acquitted in the said case by this Court in terms of compromise. The appellant was booked in this case on 17.03.2021 and after full dressed trial he was convicted by the trial Court on 03.12.2022 and thereafter he has served in jail major portion of his conviction i.e. about three years excluding remission. Besides, the appellant is a first offender and is only bread earner of his poor family, as such, his plea for leniency is liable to be considered.

5. Since the appellant in main case bearing Crime No.34 of 2021 registered at P.S Hatri District Hyderabad for offences under Sections 302, 504, 34 has been acquitted by way of compromise entered into between the parties, therefore, keeping in view, the circumstances explained hereinabove and also taking lenient view against appellant as he is only bread earner of his family, it is hereby observed that the appellant has made out his case where he deserves leniency being proposed by the learned Counsel. I, therefore, dismiss this appeal and maintain the conviction and sentence awarded to the appellant by the

learned trial Court vide impugned judgment dated 03.12.2022; however, reduce the sentence of the appellant from 05(five) years to the one already undergone by him including the conviction in lieu of fine. Consequently, appellant is ordered to be released forthwith if he is not required in any other custody case.

The appeal is disposed of accordingly.

JUDGE

Shahid