

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Appeal No. S – 45 of 2025

**Appellant** : Azam Kalhoro *through*  
Mr. Abdul Kareem Luhrani, Advocate.

**Respondent** : The State through Mr. Khalil Ahmed Maitlo,  
Deputy Prosecutor General, Sindh.

**Date of hearing** : **17.11.2025**

**Date of decision** : **17.11.2025**

## J U D G M E N T

**Amjad Ali Bohio, J:** Appellant Azam son of Hashim Kalhoro, has preferred this appeal against the judgment dated 19.04.2025, passed by the learned Additional Sessions Judge-I / Model Criminal Trial Court (MCTC), Naushahro Feroze, in Sessions Case No.570/2023, arising out of Crime No.37/2023, registered at Police Station Bhiria City, whereby he has been convicted and sentenced under Section 24 of the Sindh Arms Act, 2013, to suffer rigorous imprisonment for four years and to pay a fine of Rs.10,000/-, and in default of payment of fine, to further undergo simple imprisonment for two months. The appellant was extended the benefit of Section 382-B Cr.P.C. for the period he remained in custody as an under-trial prisoner.

2. The facts, as narrated in the FIR, reveal that on 25.05.2023, complainant SIP Muhammad Aslam Soomro, during interrogation of the accused Azam son of Hashim Kalhoro in Crime No.32/2023 registered at Police Station Bhiria City under Sections 302, 201, 337-H(ii), PPC, recorded that the accused voluntarily admitted his involvement in the main offence and expressed readiness to produce the weapon used therein. Consequently, the accused led the police party to the hedge situated near his residence in village Hussain Kalhoro, Taluka Bhiria, where he produced an unlicensed 12-bore repeater with black body along with three live cartridges of the same bore in working condition. The weapon, being allegedly used in the commission of the main offence, was secured by the police under memo of recovery, and subsequently such FIR under Section 24 of the Sindh Arms Act, 2013, was lodged against the present appellant.

3. After usual investigation and submission of challan, the learned trial Court framed charge against the appellant under Section 24 of the Sindh Arms Act, 2013, and conducted the trial. The appellant denied the allegations in his statement

recorded under Section 342, Cr.P.C., and neither examined himself on oath under Section 340(2), Cr.P.C., nor led any defence evidence. The prosecution witnesses supported the prosecution story, and the learned trial Court convicted and sentenced the appellant as noted above.

4. Learned counsel for the appellant has submitted a copy of the judgment dated 25.09.2025, passed by this Court in Criminal Appeal No. S-44 of 2025, and contended that the co-accused, Nek Muhammad alias Neko, in main Crime No.32 of 2023, after being acquitted by the learned trial Court on the basis of a compromise in the main case/crime through order dated 11.03.2025, passed by the learned 1<sup>st</sup> Additional Sessions Judge / MCTC, Naushahro Feroze in Sessions Case No.666/2023, arising out of Crime No.32/2023, registered at Police Station Bhiria City, under Sections 302, 201, 337-H(2), 149, PPC, has subsequently been convicted by this Court in an identical case under Section 24 of the Sindh Arms Act, 2013 and his sentence was reduced to the period already undergone by him, including the period to be suffered in default of payment of fine. Learned Counsel, therefore, submits that the present appellant has also been acquitted in the main case on the basis of compromise, through the order dated 11.03.2025, passed by the learned 1<sup>st</sup> Additional Sessions Judge / MCTC, Naushahro Feroze, in Sessions Case No. 666 of 2023, arising out of Crime No. 32 of 2023, registered at Police Station Bhiria City, under Sections 302, 201, 337-H(2), and 149 of the Pakistan Penal Code. It is, therefore, contended by the learned Counsel that he would not press the appeal on its merits, if the period of sentence, the appellant has spent in jail is treated as sentence to him and the appeal is accordingly disposed of.

5. Learned DPG does not oppose the sentence being reduced as already undergone by the appellant who has been acquitted in the main case.

6. The jail roll of the appellant vide letter No.JB/-16270/71, dated 17.11.2025 reflects that he has served 06 months and 28 days of substantive sentence and earned remissions of 10 months and 22 days. The unexpired portion of sentence, including the sentence in default of fine, is 02 years, 08 months and 10 days, whereas the total sentence awarded to him under Section 24 of the Sindh Arms Act, 2013, is 04 years and 02 months. The punishment prescribed under Section 24 of the Sindh Arms Act, 2013, extends up to 10 years, therefore there appears no legal impediment in considering the request of the learned counsel for the appellant, particularly when the appellant has already been acquitted in the main

case/crime No.32/2023 on the basis of compromise, and the learned DPG has also not opposed the request.

7. Accordingly, the appeal on merits is **dismissed**. The conviction awarded to the appellant under Section 24 of the Sindh Arms Act, 2013, is maintained; however, the **sentence** is **reduced** into the period already undergone by him including the period he has to suffer in default of payment of fine. The appellant shall be released forthwith if he is not required in any other custody case.

8. The present appeal was earlier dismissed in the above terms, in open Court, by a short order dated 17.11.2025. The foregoing are the reasons in support thereof.

JUDGE

Naveed Ali