

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Appeal No.S-355 of 2019

| DATE | ORDER WITH SIGNATURE OF JUDGE(S) |
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Date of hearing: 14.12.2022

Date of judgment: 14.12.2022.

Appellant/accused : Muneer Ahmed S/o Haji Malak Brohi
through M/s. Imam Bux Baloch and
Mian Taj Muhammad Keerio,
Advocates.

The State: : Through Mr. Shahzado Saleem
Nahiyoona, Additional P.G
Sindh.

J U D G M E N T

MUHAMMAD IQBAL KALHORO, J- Appellant was arrested near Puchri Shaakh Minor by police party of P.S Taluka Tando Adam, during patrolling on 12.08.2017 at 0700 hours and a 30-bore pistol was recovered from him. Hence, present case was registered.

2. The challan was submitted before the competent Court where trial proceeded against the appellant. In the trial, prosecution examined 03(three) witnesses namely, Mashir Habib-ur-Rehman, IO/ASIP Muhammad Younis and complainant/SIP Ghazi Khan, who have produced all the necessary documents including F.I.R, momo, forensic report etc.

3. The trial Court after appreciating the evidence and the documents brought on record convicted and sentenced the appellant to undergo R.I for 07 years and to pay fine of Rs.100,000/-, in default, to undergo S.I for 08 months more, which he has challenged by means of instant appeal.

4. Learned Counsel for the appellant submits that the appellant is in jail since his arrest and he shall not press the appeal on merits if the sentence awarded to the appellant is modified / reduced to the period already undergone by him.

5. Learned Additional P.G Sindh has recorded no objection and submits that there is no legal impediment or otherwise in accepting the request of the appellant's Counsel for reduction of his sentence.

6. I have gone through the evidence of the witnesses, who have supported the prosecution case on its salient features; arrest of appellant and recovery of crime weapon with positive report. There appears to be no material contradiction in the prosecution evidence. It is obvious that prosecution has been able to prove its case against the appellant beyond a reasonable doubt. The jail roll received today indicates that appellant has served his sentence i.e. 05 years 04 months and 02 days excluding remission. The punishment provided by law under Section 23-(i)(a) of Sindh Arms Act, 2013 is upto 14 years and no minimum punishment is prescribed. Therefore, there is no impediment, legal or otherwise, in acceding to the request of the learned Defence Counsel particularly when no objection by learned Additional P.G has come on record.

7. In view of above, I by dismissing the appeal on merits convert the sentence of the appellant to the period already undergone by him including the fine amount. Appellant Muneer Ahmed shall be released forthwith if not required in any other custody case

The appeal stands disposed of in above terms.

JUDGE

Shahid