

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Jail Appeal No.D-237 of 2009.

Confirmation Case No.D-14 of 2009.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For regular hearing.

30.08.2017.

Mr. Muhammad Jameel Ahmed, Associate of Mr. Ishrat Ali Lohar,
Advocate for the appellant.

Mr. Shahid Ahmed Shaikh, D.P.G.
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At the outset, learned counsel for the appellant contends that this is a case of sudden provocation; that appellant has killed his wife Sht: Patu (deceased), as she had served him tea with a bit late due to which appellant caused injuries to her by inflicting hatchet blows on her person; that this is a case of mitigating circumstances; that the appellant is in jail since last about 09 years; hence, death sentence awarded to the appellant may be converted into life imprisonment. Learned DPG does not oppose the submissions made by counsel for appellant.

Bare perusal of the impugned judgment reveals that facts agitated by counsel for the appellant are not disputed; hence, while considering the age of the appellant at the time of offence as well the manner in which the offence was committed, apparently this is a case of sudden provocation; motive is lacking; ingredients of the offence also do not fall within the ambit of Qatl-i-Amd. Accordingly, the death sentence awarded to the appellant is converted into life imprisonment.

In view of above, the appeal is dismissed and the impugned judgment is maintained however, with above modification and the confirmation reference made by the trial Court is answered in negative. Accordingly, benefit of section 382-B Cr.P.C. would be applicable to the appellant.

JUDGE

JUDGE