

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Jail Appeal No. D-12 of 2016

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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For Regular Hearing.

Present:
Mr. Justice Abdul Rasool Memon &
Mr. Justice Aftab Ahmed Gorar.

Mr. Mehfooz Ahmed Awan Advocate for appellant.
Mr. Abdul Rehman Kolachi, Deputy Prosecutor General.

Date of hearing: 30-08-2017.
Date of Judgment: 30-08-2017.

J U D G M E N T

Aftab Ahmed Gorar J., Through this Crl. Jail Appeal, appellant Abdul Jalil Khan has assailed impugned judgment dated 8.1.2016, passed by learned Sessions /Special Judge (CNS), Sukkur in special case No. 4 of 2013, whereby appellant Abdul Jalil Khan was sentenced to imprisonment for life with fine of Rs. 100,000/- and in case of default to under for 01-year. Benefit of section 382-B CrPC was also extended to the appellants. Case of co-appellant Toor Muhammad Khan has already been disposed of by this court vide judgment dated 2.6.2016 passed in this appeal, whereby his sentence was reduced to that of already undergone.

2. It is, inter alia, contended by learned counsel for the appellant is innocent and has falsely been implicated in this case by the police. He further contended that co-appellant Toor Muhammad Khan has already been released by the orders of this court by reducing his sentence to that of already undergone. He further contended that appellant is first offender and is a previous non-convict and he is the sole bread winner of his family. Learned counsel for appellant expressed his readiness not to press the instant appeal on merits if the sentence of the appellant is

reduced to that of already undergone as he has served out his substantial portion of sentence and he may be given a chance in his life to rehabilitate himself.

3. Learned Deputy P.G conceded to the reduction of sentence of the appellant to that of already undergone on the ground that sentence of co-appellant has already been undergone by this court vide judgment dated 2.6.2016 passed in this appeal. However, on court query, he admitted that appellant is not a previous convict.

4. Per jail roll dated 23.8.2017, appellant has served out his sentence for 04-years, 08-months and 04-days with remissions earned by him are 01-year, 10-months and 17-days, which appears to be a substantial portion of sentence.

5. In view of above facts and circumstances of the case and in order to give a chance to the appellant in his life to rehabilitate himself so also while following the dictum laid down in case of **Niaz-ud-Din v. The State (2007 SCMR 206)**, while dismissing the instant Crl. Appeal, we are persuaded to reduce the sentence of appellant to that of already undergone including the sentence of fine amount. Appellant Abdul Jalil is behind bars. He be released forthwith, if he is not required in any other case.

JUDGE

JUDGE