

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Appeal No. D-136 of 2010

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. Imdad Ali Malik Advocate for appellants.
Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General.

Date of hearing: 23-08-2017.
Date of Judgment: 23-08-2017.

J U D G M E N T

Aftab Ahmed Gorar J., Through this Crl. Jail Appeal, appellants Muhammad Ajmal Shaikh and Muhammad Ilyas have impugned the judgment dated 28.09.2010, delivered by learned Sessions Judge/Special Judge (CNSA), Ghotki in special case No. 38 of 2009, whereby appellants were convicted for offence under section 9-C of CNS Act, 1997 and sentenced to imprisonment for life with fine of Rs. 200,000/- each and in case of default, to undergo S.I for one year more. Benefit of section 382-B CrPC was extended to the appellants.

2. It is, inter alia, contended by learned counsel for the appellants that appellants are first offenders and are previous non-convicts and are also sole bread earners of their family. Learned counsel for appellants expressed his readiness not to press the instant appeal on merits if the sentence of the appellants are reduced to that of already undergone as the

appellants have served out their substantial portion of sentence and they may be given a chance in their life to rehabilitate themselves.

4. Learned Additional P.G conceded to the submissions raised by learned counsel for appellants. On court query, he admitted that appellants are not previous convicts.

5. Per jail roll dated 15.8.2017, both appellants have served out sentence of 08-years, 01-month and 09-days with remissions earned by them is 11-years and 22-days, which appears to be a substantial portion of sentence.

6. In view of above facts and circumstances of the case and in order to give a chance to the appellants in their life to rehabilitate themselves so also following the dictum laid down in case of **Niaz-ud-Din v. The State (2007 SCMR 206)**, while dismissing the instant Crl. Jail Appeal, we are persuaded to reduce the sentence of appellants to that of already undergone including the sentence of fine amount. Appellants are behind bars. They be released forthwith, if they are not required in any other case.

JUDGE

JUDGE