

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**Crl. Jail Appeal No. D-168 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. Gulzar Ahmed Malano Advocate for appellant.  
Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General.

Date of hearing: 17-08-2017.  
Date of Judgment: 17-08-2017.

**J U D G M E N T**

**Aftab Ahmed Gorar J.,** Through this Jail Appeal, appellant Raja alias Ali Gul has called in question his conviction and sentence awarded by learned Special Judge for CNS Cases, Khairpur in special case No. 47 of 2014, whereby appellant was convicted for offence under section 9-C of CNS Act, 1997 and sentenced to suffer R.I for 04-years and 06-months and to pay Rs. 20,000/- and incase of default to suffer S.I for 05-months.

2. It is, inter alia, contended by learned counsel for the appellant that appellant is first offender and is a previous non-convict and he is the sole male member and bread earner 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 the appellant has served out his substantial portion of sentence in jail and he may be given a chance in his life to rehabilitate himself.

4. Learned Additional P.G conceded to the submissions raised by learned counsel for appellant. On court query, he admitted that appellant is not a previous convict

5. Per jail roll dated 16.8.2017, appellant has served out his sentence in jail for 03-years, 01- month with remission earned by him is 11-months and 16-days, which is substantial portion of sentence.

6. 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. Jail Appeal, we are persuaded to reduce the sentence of appellant to that of already undergone including the sentence of fine amount. Appellant is behind bars. He be released forthwith, if he is not required in any other case.

JUDGE

JUDGE

Ahmed