

IN THE HIGH COURT OF SINDH AT KARACHI

BEFORE:

Mr. Justice Aftab Ahmed Gorar

Cr. Appeal No.210 of 2019

Waseem Ahmed

Appellant

Versus

The State

Respondent

Date of Hearing:

03.03.2020

Appellant:

Through Syed Lal Hussain Shah, Advocate

State:

Through Mr. Muntazir Hussain Mehdi, APG

J U D G M E N T.

AFTAB AHMED GORAR, J.- The appellant Waseem Ahmed son of Akbar Shah was found guilty of offence and vide judgment dated 15.3.2019 passed in Sessions Case No.606/2016 arising out of Crime No.38/2016 registered at Police Station Orangi Town under Section 23-I-A SAA, 2013 the appellant was convicted by the Court of learned Xth Additional District & Sessions Judge, Karachi (West) and sentenced him to serve R.I for 7 years and to pay fine of Rs.50,000/- and in default of payment to suffer further S.I for six months more.

2. The learned trial Court recorded the evidence of PW-1 Muhammad Dilawar at Ex-3, PW-2 Muhammad Akbar Farooq both at Ex-4, both are also eye witnesses, PW-3 the complainant/ASI Abdul Ghani at Ex-5 and PW-4 SIP Muhammad Ibrahim at Ex-6 and PW-5 and on such evidence found the appellant guilty for the charged offence and sentenced him as above.

3. Learned Counsel submits that the appellant is in custody since last more than eight years in this case as well as in connected main case whereas in this case the appellant has been sentenced for seven years imprisonment and sentences were awarded in this case well as main case were ordered to run concurrently therefore, he has already served out the sentenced awarded to

him in this case and prays that the appellant may be released in the instant case in the interest of justice.

5. Heard the learned Counsel and perused the record.

6. The learned Additional Prosecutor General has raised his no objection as the appellant has already served out the sentenced awarded to him.

7. It is an admitted fact that appellant remained in jail for about eight years and two days in this case well as main case. Since the sentences in both cases were ordered to run concurrently whereas the sentence awarded to the appellant in this case is seven years with fine and in case of default the appellant was ordered to suffer S.I. for six months more.

8. In such circumstances, in my opinion, the appellant had already suffered the punishment awarded to him therefore, the ends of justice has been satisfied. Accordingly, this Criminal Appeal against conviction is dismissed as not pressed and the sentence awarded to the appellant for the offence under Section 23-I-A SAA, 2013 to undergone R.I. for 7 years which imprisonment the appellant had already undergone along with fine. Jail authorities are directed to release the appellant forthwith, if he is not required in any other case.

Karachi.
Dated: 03.3.2020

Judge