

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Cr. Appeal No.590 of 2020

Muhammad Saleem

Versus

The State

Date	Order with Signature of the Judge
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1. For orders on M.A No.11754/21
2. For hearing of main case.
3. For hearing of M.A No.12427/20

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03.11.2021

Mr. Ghulam Murtaza, Advocate for applicant.  
Ms. Rahat Ahsan, Deputy Prosecutor General, Sindh.

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**Aftab Ahmed Gorar, J.:-** Captioned Criminal Appeal is directed against the impugned judgment dated 15.12.2020 passed by the learned 1<sup>st</sup> Additional Session Judge/MCTC, Thatta in Sessions Case No.132 of 2019 arising out of Crime No.25/2019 under section 25 of the Sindh Arms Act, 2013 registered at Police Station Mirpur Sakro, whereby the appellant was convicted and sentenced to suffer R.I. for five years and to pay a fine of Rs.50,000/- to be deposited in the relevant government head. In case of default in payment of fine the appellant was directed to undergo S.I. for six months more. However benefit of Section 382-B Cr.P.C. was given the appellant.

2. At the outset, learned counsel for the applicant while reiterating the facts and grounds mentioned in the memo of instant Criminal Appeal submitted that at the time of de-sealing of the case property viz weapon neither the two empties as alleged were recovered nor were the sealed property shown to the accused. He further contended that impugned judgment is bad in law, perverse and liable to be reversed. He also contended that the impugned judgment is passed in violation of Section

367 Cr.P.C. is liable to be reversed. He submitted that the learned trial Court failed to appreciate such facts while convicting the appellant. Learned Counsel for the appellant therefore stated that the appellant has made out a case for reduction of sentence to the extent he has already undergone, as he remained in jail for about four years, three months and six days including remission up to 24.08.2021.

3. Heard the learned Counsel and perused the record.

4. The learned Deputy Prosecutor General has raised his no objection for reduction of sentence as proposed by learned Counsel for the appellant.

5. Admittedly the appellant remained in jail for about four years, three months and six days including remission up to 24.08.2021. In the case of *Niazuddin v. The State* reported as **2007 SCMR 206**, the Hon'ble Supreme Court was pleased to reduce the sentence from imprisonment of ten years to six years whereas in the case of *Gul Naseeb v. The State* reported as **2008 SCMR 670**, the Hon'ble Supreme Court reduced the sentence from imprisonment for life to ten years.

6. In such circumstances, in my opinion, the appellant had suffered adequate punishment i.e. four years, three months and six days including remission hence 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 25 of the Sindh Arms Act, 2013 to undergo R.I for 05 years and to pay fine of Rs.50,000/- is altered into imprisonment which appellant had already undergone along with fine.

6. The captioned Criminal Appeal is disposed of in the manner indicated above.

J U D G E