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APPLICANT IN CUSTODY.

IN THE HONOURABLE HIGH COURT OF SINDH BENCH AT SUKKUR.
Cr: appeal NO. 3-16 OF 2010.

Wahid Bux alias Dadee s/o Mir Hassan,
by caste Desti, r/o village Dote Desti,
Taluka Mirwah.
(Now confined in Central prison Kheirpur.

----- Applicant/convict.

V/S

The State

-----Respondent/applicant.

Cr: Appeal U/S 410 Cr P.C
Offence U/S 9-B CNS, Act 1997
CRIME NO. 09/2007 of PS EXCISE POLICE KHAIRP

ORDER SHEET
THE COURT OF SINDH BENCH AT SUKKUR

Cr. Appeal No. D- 16 of 2010.

For hearing of MA 423-10.

16th May, 2013.

Appellant present in person.
Mr. Sardar Ali Shah, APG for the State.

Through this appeal, appellant has challenged the validity of judgment dated 14th January, 2010, passed by learned Special Judge (CNS), Khairpur, whereby he was convicted for offence under Section 9-B of CNS Act, 1997 and sentenced to suffer RI for two years with fine of Rs. 10,000/- and in case of default in payment of fine, to suffer SI for two months. Benefit of section 382-B CrPC was also extended to him.

Appellant present in person states that he does not want the decision of appeal on merits and would be satisfied if his quantum of sentence is reduced from two years and fine of Rs. 10,000/- to that of already undergone.

Learned APG for the State concedes the above submissions and states his no objection.

Since the appellant has been convicted for possessing 300 grams Charas and for that offence he has been sentenced as above. The appellant has already served out substantial portion of his sentence i.e. one year. Besides, after taking into consideration his conduct, he was released on parole by the concerned authorities. Furthermore, he is stated to be first offender and sole bread earner of his family.

Keeping in view the above position and dictum laid down in case of Ghulam Murtaza and another reported in **PLD 2009 Lahore 362**, which was approved by Hon'ble Supreme Court in **Amir Zaib's case (PLD 2012 SC 380)**, we accept the submissions of the appellant and while dismissing the appeal, reduce the quantum of sentence recorded under the impugned judgment from two years and fine of Rs. 10,000/- to that of already undergone.


JUDGE, 16/5/13


JUDGE,