

ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Crl. Revision Appln. No. S- 69 of 2015.

Date of hearing	Order with signature of Judge
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Appellants Sikander Ali and another: Through Mr. Makhdoom  
Syed Juman Shah, Advocate.

Respondent: The State: Through Mr. Munir Ahmed, D.D.P.P.

Date of hearing: 20.11.2015.

Date of Judgment: 20.11.2015.

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

**Zafar Ahmed Rajput, J.-** Through instant criminal revision application, the applicants have impugned the judgment dated 28.10.2015, whereby learned Additional Sessions Judge, Kamber while dismissing the Crl. Appeal No.10/2015 upheld the judgment dated 19.9.2015, passed by learned Civil Judge and Judicial Magistrate-I, Kamber in old Criminal case No.319/2014 (New Crl. Case No.63/2015), arising out of Crime No.258/2014 registered under Section 3/4 of Prohibition (Enforcement of Hadd) Order, 1979, at Police station Kamber city, whereby the applicants were convicted and sentenced concurrently to suffer R.I for two years each and to pay fine of Rs.20,000/-; in default they shall further undergo S.I for six months for committing offence under Article 3 of P.E.H.O and R.I for two years each and to pay fine of Rs.20,000/-, in default they shall further undergo S.I for six months more for committing offence under Article 4 of P.E.H.O, modifying the conviction and sentence to the appellants to the extent of Article 3 of P.E.H. Order, 1979, and setting aside the conviction under Article 4 of P.E.H. Order, 1979 and the sentence there under.

2. Precisely stated the facts of the case are that on 24.11.2014, the applicants were apprehended while sitting in a car and

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from their possession the police recovered 92 big bottles and 47 small bottles of wine red color with label of MURRE'S VAT ONE and 93 big bottles and 96 small bottles of white color wine with label of MUREE'S LONDON DRYGIN (total 328 bottles).

3. On refusal of the accused/ applicants to accept the charge, the learned trial Court proceeded with trial of the case, where prosecution witnesses were examined and statements of applicants were recorded. The learned trial Court, on the basis of evidence on record found the applicants guilty and sentenced them, which was modified by the appellate Court as above.

4. The learned counsel for the applicants at the very outset without arguing the revision on merit requested that he would not press the criminal revision against conviction, if the sentence awarded to the applicants is reduced to the period which they have already undergone considering the fact that applicant Sikander is more than 55 years of age, while applicant Shahzad is more than 45 years of age and they have no previous record of indulging in such activities.

5. Learned D.D.P.P conceding to the request made by the learned counsel for the applicants has recorded his no objection to the above proposition. He further submits that as per Jail Roll the applicants have already served out major portion of sentence, i.e. 18 months, out of two years.

6. In view of submission of learned counsel for the applicants; no objection of learned D.D.P.P and considering the fact that there is no previous record of applicants of indulging in such type of activities; they have served out almost 75% of the sentence awarded to them. Accordingly, considering the above mitigating circumstances while maintaining the conviction awarded by Appellate Court in instant case, the sentence awarded to applicants is altered to the imprisonment which they have already undergone, while sentence of fine is upheld. The applicants may be released



immediately after payment of fine, if they are not required to be detained in any other case.

7. With the above modification in sentence, the criminal revision stands dismissed alongwith listed application.

  
20/11/2017  
Judge