

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
MIRPURKHAS**

**Criminal Appeal No.S-38 of 2024**

**Appellant:** Niaz Muhammad alias Niazoo S/o Muhammad Hussain @ Kewro Shar,  
Through Mr. Sandeep Kumar Maheshwari, Advocate.

**Respondent:** The State.  
Through Mr. Shahzad Saleem, Additional P.G.

**Date of Order:** 25.08.2025.

**ORDER**

**Amjad Ali Sahito, J:** Through this Criminal Appeal, the appellant has challenged the judgment dated 31.12.2015 passed by the learned Additional Sessions Judge-I, Umerkot in Sessions Case No.66/2012 "Re: The State Vs. Niaz Muhammad @ Niazoo and others, arising out of Crime No.25/2012 for offence under sections 324, 337-A(ii), 337-L(ii), 392 and 34 P.P.C of PS Pithoro whereby the appellant was sentenced and convicted to suffer R.I for 03 years with fine of Rs.20,000/- with benefit of section 382-B Cr.P.C, awarded by the learned trial court.

2. The learned counsel after arguing at some length; prayed that he would not like to argue on merits but would be satisfied if the sentence given to the appellant was reduced to the time he had already remained in prison.

3. On the other hand, learned Additional Prosecutor General Sindh concedes that the appellant has remained behind the bars for sufficient period and learnt the lesson, therefore, he has no objection if a lenient view is taken against him by dismissing the instant appeal and treating the sentence to one as already undergone.

4. I have heard the learned counsel for the appellant, learned A.P.G for the State and have gone through the record.

5. It appears that this criminal appeal was presented on 21.01.2016 and is still pending before this court. The appellant has remained in jail and learnt the lesson as he has undergone for his sentence and is being dragged since 2012 in the instant crime. Further learned counsel for the appellant submits that he is not pressing the criminal appeal on merits but would be satisfied if the sentence given to the appellant was reduced to the time he had already remained in prison. He further submits that in the terms of the impugned judgment, the appellant has paid fine of Rs.10,000/- to the complainant/injured and deposited Rs.10,000/- with the accountant of this court as passed in the judgment mentioned above and he has also produced receipt by which the amount was deposited with the Accountant of this Court. Learned A.P.G has also raised his no objection.

6. Consequently, while taking a lenient view, the instant criminal appeal is **dismissed** but with modification that the sentence is reduced to one as already undergone. However, the appellant has paid fine of Rs.10,000/- in terms of Judgment of Point No.2 para(a) to be paid to the injured/complainant Manthar Nohari after notice to him. The amount may be treated as *Arsh/Daman*. However, Rs.10,000/- fine amount be deposited in the government treasury in terms of Judgment point No.2, para(b). The appellant is present on bail, his bail bond stands cancelled and surety discharged. Office is directed to return the surety papers after proper verification and identification.

**JUDGE**