

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

PRESENT:

MR. JUSTICE AMJAD ALI SAHITO.

Criminal Appeal No.S-51 of 2024

Appellants : 1. Nazar Muhammad s/o Kundho Soomro,
2. Zulfiqar s/o Allah Dino Soomro,
3. Mir Muhammad s/o Shakoor Soomro,
4. Faiz Muhammad s/o Shadi Soomro,
5. Muhammad Raheem s/o Nathu Soomro,
Through Mr. Jahangir Khan Pathan,
Advocate.

Respondent No.1: Nazeer Ahmed s/o Ahmed (Called absent)
Through Mr. Javed Ali Buriro, Advocate.
(Called absent).

The State : Through Mr. Shahzado Saleem Nahiyoan,
Additional P.G.

Criminal Appeal No.S-54 of 2024

Appellants : 1. Nazar Muhammad s/o Kundho Soomro,
2. Zulfiqar s/o Allah Dino Soomro,
3. Mir Muhammad s/o Shakoor Soomro,
4. Faiz Muhammad s/o Shadi Soomro,
5. Muhammad Raheem s/o Nathu Soomro,
Through Mr. Jahangir Khan Pathan,
Advocate.

Respondent No.1: Jumoon s/o Ahmed (Called absent)
Through Mr. Javed Ali Buriro, Advocate.
(Called absent).

The State : Through Mr. Shahzado Saleem Nahiyoan,
Additional P.G.

Criminal Appeal No.S-174 of 2024

Appellants : 1. Nazar Muhammad s/o Kundho Soomro,
2. Zulfiqar s/o Allah Dino Soomro,
3. Mir Muhammad s/o Shakoor Soomro,
4. Faiz Muhammad s/o Shadi Soomro,
5. Muhammad Raheem s/o Nathu Soomro,
Through Mr. Jahangir Khan Pathan,
Advocate.

Respondent No.1: Mohabbat Khan s/o Pathai Khan (Called absent)
Through Mr. Javed Ali Buriro, Advocate.
(Called absent).

The State : Through Mr. Shahzado Saleem Nahiyoan,
Additional P.G.

Criminal Revision Application No.S-75 of 2024

Applicant : Nazeer Ahmed s/o Ahmed (Called absent)
Through Mr. Javed Ali Buriro, Advocate.
(Called absent).

Respondent No.1: The State, through Mr. Shahzado Saleem
Nahiyoon, Additional P.G. Sindh

Respondents No.2to6: 2. Nazar Muhammad s/o Kundho Soomro,
3. Zulfiqar s/o Allah Dino Soomro,
4. Mir Muhammad s/o Shakoor Soomro,
5. Faiz Muhammad s/o Shadi Soomro,
6. Muhammad Raheem s/o Nathu Soomro,

Criminal Revision Application No.S-80 of 2024

Applicant : Jumoon s/o Ahmed (Called absent)
Through Mr. Javed Ali Buriro, Advocate.
(Called absent).

Respondent No.1: The State, through Mr. Shahzado Saleem
Nahiyoon, Additional P.G. Sindh

Respondents No.2to6: 2. Nazar Muhammad s/o Kundho Soomro,
3. Zulfiqar s/o Allah Dino Soomro,
4. Mir Muhammad s/o Shakoor Soomro,
5. Faiz Muhammad s/o Shadi Soomro,
6. Muhammad Raheem s/o Nathu Soomro,

Criminal Revision Application No.S-108 of 2024

Applicant : Mohbat Khan s/o Pathai Khan(Called absent)
Through Mr. Javed Ali Buriro, Advocate.
(Called absent).

Respondent No.1: The State, through Mr. Shahzado Saleem
Nahiyoon, Additional P.G. Sindh

Respondents No.2to6: 2. Nazar Muhammad s/o Kundho Soomro,
3. Zulfiqar s/o Allah Dino Soomro,
4. Mir Muhammad s/o Shakoor Soomro,
5. Faiz Muhammad s/o Shadi Soomro,
6. Muhammad Raheem s/o Nathu Soomro,

Date of hearing : 09-10-2025.

Date of decision : 09-10-2025.

J U D G M E N T

Amjad Ali Sahito, J:- Through this single judgment, I intend to decide the captioned Criminal Appeals and Criminal Revision Applications together, as all have arisen out of the same incident and the judgments passed by the learned trial Court, hence involving common questions of fact and law.

2. Through the Criminal Appeals No.51/2024, 54/2024 and 174/2024, the appellants have challenged the judgment dated 08.11.2019, passed by learned trial Court/2nd Additional Sessions Judge, Umerkot in Special Cases No.01 of 2019, 02 of 2019 and 03 of 2019, under section 3&4 of Illegal Dispossession Act, whereby the appellants were convicted and sentenced to suffer R.I. for one year and to pay fine of Rs.10,000/ each out of which Rs.5000/- per head will be paid to complainant as compensation under section 544-A Cr.P.C, and in default whereof to suffer S.I. for three months more. However, the appellants were convicted through three separate judgments, and in all the three judgments, the conviction and sentence awarded were identical.

3. Through the Criminal Revision Applications No.75 of 2024, 80 of 2024 and 108 of 2024, applicants namely Nazeer Ahmed, Jumoon and Mohbat Khan assailed the legality and propriety of the judgment dated 08.11.2019 passed by learned trial Court/2nd Additional Sessions Judge, Umerkot in Special Cases No.01 of 2019, 02 of 2019 and 03 of 2019, under section 3&4 of Illegal Dispossession Act, praying therein to enhance the sentence from S.I one year and fine of Rs.10,000/ each to maximum punishment

4. Learned counsel for the appellants, after arguing the matter at some length has stated that the offence pertains to the year 2018 and the appellants have remained in Jail for sufficient period and still is facing the instant case; as such, he does not wish to contest these Criminal Appeals and leaves the appellants at the mercy of

the Court. He states that if this Court while maintaining the conviction reduces the sentence to one the appellants have already undergone, he would not press the Criminal Appeals.

5. On the other hand, learned Additional Prosecutor General Sindh appearing for the State has opposed the acquittal of appellants but raises no objection in case, a lenient view is taken against them by dismissing the appeals treating the sentence to one as already undergone and to pay fine amount.

6. I have heard the learned counsel for the appellants and the learned Additional Prosecutor General for the State and have also perused the record. The learned counsel for the appellants submits that he is not pressing the aforementioned Criminal Appeals on merits but would be satisfied if this Court while maintaining the conviction reduce the sentences to one the appellants have already undergone, to which the learned Additional Prosecutor General raised no objection. It appears that these Criminal Appeals have been pending before this Court since 2019. The appellants have remained in jail for a period of one year and subsequently they were released on bail by this Court and it seems that they have learnt their lesson. There is no legal impediment in accepting the request of the appellants, as they have already served a sufficient portion of their sentence. Accordingly, in order to enable the appellants to reform and rehabilitate themselves and to rejoin the mainstream of society as a useful member thereof, by taking a lenient view, the instant Criminal Appeals are hereby dismissed, however, with the modification that the sentence is reduced to one as already undergone by the appellants, including the fine amount. All the sentences awarded to the appellants shall run concurrently. The appellants are present on bail; their bail bonds stand cancelled, and the surety is discharged. The office is directed to return the surety papers to the surety after proper verification and identification.

7. Instant Criminal Appeals stand **dismissed** with the above modification.

8. From perusal of Revision Applications for enhancement of sentence is concerned the instant applications were filed in the year

2019 since then no progress is made out. Further the respondents/accused are attending the Court since 2019. .

9. In view of above, no case of enhancement of sentence is made out, hence the above Criminal Revision Application 75 of 2024, 80 of 2024 and 108 of 2024 are dismissed.

JUDGE

*Adnan Ashraf Nizamani