

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Jail Appeal No. S-23 of 2022

Appellant : Ghulam Fareed son of Muhammad Qasim,
Through Mr. Ubedullah Ghoto, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 21.11.2025
Date of decision : 21.11.2025
Reasons recorded on : 24.11.2025

ORDER

KHALID HUSSAIN SHAHANI, J. – The appellant, Ghulam Fareed son of Muhammad Qasim, by caste Ghoto, has assailed the judgment dated 25.03.2022 rendered by the learned Additional Sessions Judge-I/(MCTC), Ghotki, in Sessions Case No.93/2018 arising out of Crime No.07/2018 of Police Station Gemro. Through the impugned judgment, the appellant was convicted for offence under Section 24 of the Sindh Arms Act, 2013, and sentenced to ten years' rigorous imprisonment with a fine of Rs.50,000/- and in default thereof, to undergo simple imprisonment for two months. He was, however, extended the benefit of Section 382-B Cr.P.C.

2. Briefly stated, the facts as set out in the FIR lodged by ASI Shahzado Sanghar are that on 19.07.2018 he was posted at CIA Ghotki and was on patrolling duty vide entry No.08-1400 hours. During patrolling, acting upon spy information, he apprehended the appellant, who was allegedly required in Crime No.06/2018 under Sections 302, 109, 506/2, 148, and 149 PPC of P.S. Gemro. Upon search, an unlicensed KK rifle along with ten live bullets of 7.62 bore was recovered from his possession under a mashirnama, pursuant to which the present FIR was registered.

3. Learned counsel for the appellant, at the very outset, submitted that the appellant has already been acquitted by this Court in the main case on the basis of compromise. In this background, he does not wish to press the appeal on its merits, provided the period of incarceration already undergone

by the appellant is treated as the sentence awarded, and the appeal is disposed of on that basis.

4. Learned Deputy Prosecutor General does not oppose the request and submits that, in view of the appellant's acquittal in the main case, he has no objection if the sentence is reduced to the period already undergone.

5. The punishment prescribed under Section 24 of the Sindh Arms Act, 2013, extends up to ten years. Material on record reflects that the appellant has remained behind bars since his arrest on 19.07.2018 and has, therefore, undergone custody of more than seven years. In the circumstances, and particularly in view of the appellant's acquittal in Crime No. 06/2018 under Sections 302, 109, 506/2, 148, and 149 PPC on the basis of compromise, coupled with the fact that the State has raised no objection, this Court finds no legal impediment in considering the request for reduction of sentence.

6. Consequently, the appeal on merits was dismissed. While maintaining the appellant's conviction under Section 24 of the Sindh Arms Act, 2013, the sentence was modified to the period already undergone by him, including the period relatable to the default of payment of fine. The appellant was ordered to be released forthwith, if not required in any other custody case, vide short order dated 21.11.2025. These are the detailed reasons thereof.

J U D G E