

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Ct. Jail Appeal No D-28 of 2019

PRESENT:

**Mr. Justice Muhammad Saleem Jesar.
Mr. Justice Khadim Hussain Tunio.**

Appellant : Abu Bakar son of Akhtar Khan Pathan, through Mr. Rukhsar Ahmed M. Junejo, advocate.

Respondent : The State, through Mr. Aitbar Ali Bullo, Deputy Prosecutor General.

Date of hearing : 08.07.2020.

Date of decision: 08.07.2020.

JUDGMENT.

MUHAMMAD SALEEM JESAR, J- Appellant Abu Bakar son of Akhtar Khan Pathan, through this appeal, has challenged the impugned judgment dated 04.05.2019, passed by learned 1st Additional Sessions/Special Judge for CNS, Kandhkot/Model Criminal Trial Court in C.N.S Case No.07 of 2018 (Re: State v. Abu Bakar.)

2. Appellant, who was arrested in Crime No.01/2018, registered against him at Excise Police Station Kandhkot Circle, for offence punishable under section 9(c) of CNS Act, 1997.

3. The learned trial Court i.e. 1st Additional Sessions/Model Criminal Trial Court/Special Judge for CNS, Kandhkot, on the basis of evidence of prosecution witnesses found the appellant guilty and sentenced him to undergo R.I for 05 years and 06 months with fine of Rs.25,000/-, in case of default thereof, to undergo S.I for 05 months and 15 days more.

4. Mr. Rukhsar Ahmed M. Junejo, counsel for the appellant, under instructions, submits that the appellant would not press the



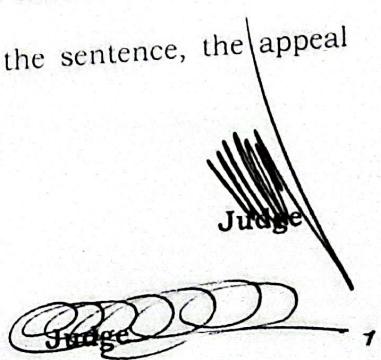
appeal in case if while maintaining the conviction reduce the sentence awarded to the appellant for the period to have already undergone.

5. According to the jail roll of the appellant dated 08.07.2020, issued by the Senior Superintendent, Central Prison & Correctional Facility, Sukkur, the appellant has served out the sentence including remissions for a period of 03 years, 07 months and 29 days and the unexpired portion of his sentence is 02 years, 06 months & and 16 days.

6. The learned Deputy Prosecutor General, while recording his no objection to the proposition of learned counsel for the appellant states that there is no previous record of appellant of being convicted in any offence.

7. In the circumstances, in our opinion, the appellant has served adequate punishment and ends of justice have been satisfied. Accordingly, the appeal against conviction is dismissed as not pressed. However, the sentence awarded to the appellant is altered into the imprisonment which he has already undergone, together with the sentence of fine. The appellant is in jail. He is directed to be released forthwith if not required to be detained in any other case.

8. With the above modification in the sentence, the appeal stands dismissed.



Judge