

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

Criminal Appeal No.D-56 of 2024

Present:

**Mr. Justice Shamsuddin Abbasi,
Mr. Justice Muhammad Hasan (Akber).**

Appellant: Muhammad Ishaque S/o Muhammad Ismail Khoso,
Through Mr. Adnan Khurram Meo, Advocate.

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

Date of Hearing: 24.11.2025.

Date of Judgment: 24.11.2025.

J U D G M E N T

Shamsuddin Abbasi, J: Through this Criminal Appeal, the appellant has challenged the judgment dated 21.08.2023 passed by the learned Additional Sessions Judge-I/MCTC, Mirpurkhas in Sessions Case No.19 of 2022, for offence under section 9(c) CNSA, 1997 of PS Kot Ghulam Muhammad, whereby the appellant was sentenced and convicted to suffer R.I for 14 years with fine of Rs.5,00,000/- 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 is reduced to the period which he has already served out 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. We 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 18.09.2023 and is still pending before this Court. The appellant has remained in jail and learnt a lesson as he has already undergone his sentence and is being dragged since 21.08.2023 in the instant matter. As per Section 9(c) of the Control of Narcotic Substances Act, 1997, the punishment is provided for 04 years and 06 months with fine of Rs.20,000/-, or in default, S.I for 04 months, if the quantity of the charas exceeds from 01 K.G up to 02 K.G. In the present case, 1200 grams of charas was recovered from the possession of the appellant and the prosecution has successfully proved its case beyond any shadow of doubt. It is a matter of record that an amendment was made in the Control of Narcotic Substances Act, 1997 through the Control of Narcotic Substances (Amendment) Act on 06.09.2022, which provides enhancement in punishment with higher imprisonment and fine for such quantity of narcotics, but the said amendment has not retrospective effect and can only be applied prospectively since enactment in September, 2022, therefore, the punishment applicable at the time of commission of offence is to be considered. In our humble view, the aforesaid amendment has no retrospective effect and the learned trial Court ignored this fact and awarded punishment vide judgment dated 21.08.2023 as per the amended Act. As per Jail Roll, the appellant has served out 07 years, 03 months and 05 days on 30.08.2025. Since the appellant has already served out his sentence and counsel for the appellant does not press this appeal on merits, therefore, the period which he served inside the jail is treated as already undergone. Learned A.P.G. has also raised his no objection. 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 including fine amount. The office is directed to issue release writ of the appellant with direction to the concerned Jail Superintendent to release the appellant forthwith, if he is not required in any other custody case.

JUDGE

JUDGE

****Faisal****