

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

PRESENT:

Mr. Justice Dr. Syed Fiaz ul Hasan Shah

Criminal Appeal No.546 of 2025

1. For order on MA No.19002/2025 (Urgent).
2. For hearing of main case.
3. For hearing of MA No.12415/2025.

29.12.2025

Mr. Ajab Khan Khattak, Advocate for Appellant.
Mr. Sharafuddin Langah, Asst. P.G. Sindh.

JUDGMENT

1. Urgency granted.

2&3. Learned counsel for the appellant contends that the appellant has been falsely implicated in the case, as he was earlier arrested under section 54, Cr.P.C. and during the course of interrogation co-accused has admitted that they had committed another offence under FIR No.202/2024 registered at Police Station Tipu Sultan.

When confronted to the learned counsel for appellant that prosecution witnesses have fully identified and given categorical evidence with cogent reason against the appellant. Learned counsel for the appellant states that he does not press present appeal; provided that the sentence may be modified.

I have examined the impugned judgment as well as entire record, it seems that two iphone mobiles, laptop, 9mm licensed pistol and cash amount of Rs.60,000/- being case property were not recovered by the Investigating officer as admitted at Column No.5 of the Charge Sheet as well as crime weapon allegedly used by the appellant for the commission of offence were also not

recovered from the possession of appellant by the Investigating Officer despite the fact that appellant remained under considerable remand.

Therefore, the ingredients of Section 397 PPC for the commission of robbery or dacoity, essentially attached with deadly weapon or causes grievous hurt or attempt to any person or attempts to cause death, both are missing in the present case, therefore, the sentence awarded to the appellant through impugned judgment is modified as convicted and sentence under section 392 PPC and hereby reduce to three (03) years Rigorous Imprisonment.

Accordingly, instant Criminal Appeal stands dismissed with above modification.

JUDGE

Farhan/PS