

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Appeal No. D-09 of 2024

**PRESENT: Mr. Justice Riazat Ali Sahar
Mr. Justice Ali Haider 'Ada'**

Appellant : Through Mr. Farhat Ali Bugti, Advocate
Muhammad Farooque son of
Muhammad Wilayat Punjabi

The State : Through Mr. Nazeer Ahmed
Bhangwar, Deputy Prosecutor
General, Sindh.

Date of Hearing : 15.06.2026

Date of Judgment : 15.06.2026

J U D G M E N T

Ali Haider 'Ada', J.- Through this criminal appeal, appellant Muhammad Farooque has assailed the judgment dated 24.01.2024, passed by learned 1st Additional Sessions Judge/MCTC/Special Judge for CNSA, Kamber, in Special Case No. 26 of 2022, re-The State v. Muhammad Farooque Punjabi, being outcome of F.I.R No.248 of 2021 registered with Police Station Kamber City, whereby the appellant was convicted for offence under Section 9(c) of Control of Narcotic Substances Act, 1997 and sentenced to suffer life imprisonment and to pay Rs.200,000/- (Rupees Two Lacs Only) as fine, and in default thereof to suffer S.I for 03 months more. The benefit of Section 382-B, Cr.P.C was extended to him.

2. According to the case of prosecution, on 07.10.2021, at about 1400 hours, the appellant was apprehended at Kamber-Shahdadkot road near Khan Wah, situated in Deh Chajjra, Taluka Kamber, by a police party of Police Station Kamber City headed by SIP Attaullah Mirani and 60 Kgs of charas, 2 Kgs of opium, cash of Rs.4000/- including one Toyota Corolla Car of black

colour bearing Registration No.BCH-693, Model 2014, were recovered from him; hence, such FIR was registered.

3. After arguing the appeal on merits to some extent, the learned counsel appearing on behalf of the appellant submitted that in case the sentence awarded to the appellant is reduced to the period which he has served while being in incarceration, he would not press instant appeal on merits, as, according to learned Counsel, the appellant has sufficiently been punished, so he may be given a chance in his life to rehabilitate himself. Learned counsel further submitted that the appellant is a previous non-convict being in advance age of 40 to 50 years and he has poor family background and except the appellant no other male member is available to keep the hearth burning at his home; that the appellant is first offender and his conduct in jail, as reported in the jail roll, has remained satisfactory.

4. The learned Deputy P.G. has recorded no objection if the sentence of the appellant is reduced to that of already undergone.

5. The Senior Superintendent of Central Prison & Correctional Facility, Sukkur has submitted jail-roll of the appellant dated 15.06.2026, which on perusal reflects that the appellant has served substantive sentence for 04-years, 08-months and 08-days; besides, he has earned remissions for 10-years, 00-months and 00-days; totaling to 14-years, 08-months and 08-days, which, in our view, is an adequate portion of sentence. The conduct of appellant in jail is also "satisfactory", as reported by the jail authorities. The appellant is shown to be first offender being in an advance age between 40 to 50 years. There is no material on record to show that the appellant has ever been convicted in any other case of like nature; further, no other criminal case is shown pending against him.

6. It is a well-established principle of law that in special circumstances, the Court at its discretion can divert from the norms and standards prescribed in terms of sentencing after assigning cogent reasons. In this respect, reliance is placed on the case of State through Deputy Director (Law), Regional Directorate, Anti-Narcotics Force v. Mujahid Naseem Lodhi (PLD 2017 SC 671). Moreover, the Apex Court in somewhat similar cases reported as Sherzada v. The State (1993 SCMR 149) and Gul Badshah v. The State (2011 SCMR 984) was pleased to reduce the sentence.

7. Accordingly, instant criminal appeal is dismissed and the impugned judgment to the extent of conviction of appellant is maintained; however, the sentence awarded to him by the trial Court is modified and reduced to that of already undergone; the sentence of fine is also remitted. The appellant is in jail; he shall be released forthwith, if not required to be detained in any other case.

JUDGE

JUDGE

Zulfiqar