

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Jail Appeals No.286 of 2025

(Younus v. the State)

PRESENT:

Mr. Justice Arshad Hussain Khan

Justice Ms. Sana Akram Minhas

Appellant : Through Muhammad Rehan, Advocate.
Respondent : Through Mr. M. Iqbal Awan, Addl. P.G.
Date of Hearing : 08.06.2026
Date of Judgment : 08.06.2026

J U D G M E N T

Arshad Hussain Khan J:- Through this appeal, the appellant has assailed the legality and propriety of the judgment dated 15.02.2025 passed by learned Additional Sessions Judge-IV, Karachi-South in Special Case No.3354 of 2022 in Crime No.324 of 2022 under Sections 6/9(C) of CNS (Sindh Amendment Act) 2021, registered at P.S. Chakiwara, Karachi, whereby the learned trial court after full dressed trial convicted and sentenced the appellant **Younus** son of Wali Muhammad under section 265-H(ii) Cr P.C for committing offence under Section 6-A/9(C) of Control of Narcotic Substances (Sindh Amendment) Act, 2021 and sentenced him to suffer R.I for ten (10) years and also to pay fine of Rs.800,000/- and in case of default thereof he shall suffer further S.I for six months. However, benefit of Section 382-B Cr.P.C was extended to the appellant.

2. Facts of the case need not to be reiterated here as the same have been stated in the impugned judgments as well as memo of appeals.

3. Learned counsel for the appellants submits that, although the appellant-Younus has a good case on merits and is entitled to acquittal, he does not wish to press the present appeal on that ground. He submits that the appellant has been facing the ordeal of criminal proceedings since the year 2022 and has

already undergone a substantial portion of the sentences awarded to him by the learned trial court. Learned counsel further submits that the appellant is suffering from cancer and despite directions of this Court, his biopsy has not been conducted as yet. Counsel states that in these circumstances, the appellant would be satisfied if his sentences is reduced to the period already undergone by him and, in that event, he would not press the instant appeal on merits. He further states that the appellant has expressed remorse for his conduct and has undertaken not to repeat such unlawful acts in future. On the basis of the foregoing submissions, learned counsel prays for reduction of the substantive sentence to the extent already undergone by the appellant.

4. Learned Addl. P.G. has also endorsed no objection on the above proposition

5. We have examined the impugned judgment as well as the material available on record. The learned trial court has recorded the conviction on the basis of the evidence adduced by the complainant and other prosecution witnesses, whose testimonies remained consistent and could not be shaken during cross-examination. No material contradiction, discrepancy, or circumstance favourable to the appellant/accused has been brought on record so as to cast doubt upon the prosecution case. The findings recorded by the learned trial court appear to be based on a proper appreciation of the evidence and do not suffer from any illegality, infirmity, misreading, or non-reading of the material available on record. Consequently, no case for interference with the impugned judgment on merits has been made out.

6. So far as the question of sentence is concerned, the jail roll dated 04.06.2026 reflects that appellant **Younus** had undergone substantive imprisonment for a period of 03 years, 09 months and 11 days and had earned remission of 06 years, 00 months and 20 days, leaving an unexpired portion of 00 years, 07 months and 29 days. Prima facie, it appears that the appellant has by now undergone almost the entire substantive sentences awarded to him including remissions. The record further reflects that the appellant is a first-time offender and no previous criminal history has been attributed to him. The occurrence in question pertains to the year 2022. Considering the overall facts and circumstances of the case, particularly the substantial portion of the sentence already undergone by the appellant, his status as first offender, the absence of any previous criminal history, and the possibility of his reformation,

we are of the considered view that he deserves an opportunity to reform himself and resume his life as responsible and law-abiding member of society.

7. As a consequence, the conviction of the appellant as recorded by the learned Trial Court is maintained. However, the sentence awarded to him is modified and reduced to the period already undergone by him. The fine imposed upon the appellant is hereby waived.

8. With the above modification in the sentences and fine, the present appeal stands disposed of. Appellant is in custody, he shall be released forthwith if he is not required in any other case/crime.

JUDGE

JUDGE