

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Jail Appeal No.S- 20 of 2019

Appellants Mujeebullah alias Mujahid son of Ali Murad by caste
Danwar through Mr. Ghulam Ali Bozdar Advocate.

Respondent: The State, through Mr. Khalil Ahmed Maitlo,
Deputy Prosecutor General

Date of hearing: 25.08.2026

Date of decision: 25.08.2026

J U D G M E N T

SURESH KUMAR, J.- Through this Criminal Jail Appeal, the appellant, Mujeebullah alias Mujahid, son of Ali Murad by caste Danwar, has assailed the judgment dated 08.02.2019, passed by the learned Additional Sessions Judge-I, Khairpur, in Sessions Case No. 864 of 2012, Re. State vs. Mujeebullah alias Mujahid, arising out of Crime No. 175/2012 of P.S. Kotdiji, District Khairpur, under Section 302 PPC. The appellant was convicted for the offence under Section 302(b) PPC as Tazir and sentenced to suffer imprisonment for life and to pay a fine of Rs. 100,000/- (one lac) as compensation, which, if paid, shall be given to the heirs of the deceased, Ghulam Abbass. In case of default, he was directed to undergo simple imprisonment for three months. The benefit of Section 382-B Cr.P.C. has also been extended to the appellant.

2. The facts of the prosecution case are that on 30.08.2012, at 05:30 hours, in the house of the complainant, Rashid Ali, the present appellant, Mujeebullah alias Mujahid, knowingly and intentionally committed Qatl-i-Amd of Ghulam Abbass (brother of the complainant) by causing hat blows. Thereafter, the above FIR was lodged.

3. After the usual investigation, the police submitted the charge sheet under Section 173 Cr.P.C. against the appellant.

4. Having been supplied with the requisite documents as provided under Section 265-C Cr.P.C., the Trial Court framed charges against the appellant, to which he pleaded not guilty and claimed to be tried.

5. To prove its case, the prosecution examined ten witnesses who produced certain documents. Thereafter, the learned ADPP for the State closed the prosecution side.

6. The appellant, in his statement recorded under Section 342 Cr.P.C., denied the allegations and pleaded his innocence. He neither examined himself on oath in disproof of the allegations as required under Section 340(2) Cr.P.C. nor produced any witnesses in his defense.

7. The Trial Court, after hearing the learned ADPP and the learned counsel for the appellant/accused, convicted the appellant and

sentenced him, vide the impugned judgment, which has been challenged in this appeal.

8. Learned counsel for the appellant has contended that the accused has already served 23 years, 11 months, and 15 days, as per the jail roll submitted by the D.P.G. He further contends that the appellant will be satisfied if the sentence already awarded is upheld.

9. Learned D.P.G. for the State has raised no objection to the prayer made by the learned counsel for the appellant, as the accused has already undergone 23 years, 11 months, and 15 days. Therefore, he has no objection if the conviction is maintained and the sentence awarded to the appellant is upheld.

10. Having heard the learned counsel for the parties and given due consideration to the arguments advanced by their counsel, I find it necessary to address the matter at hand.

11. From the perusal of the record, it reveals that the appellant was convicted for the offence under Section 302(b) PPC as Tazir and sentenced to suffer imprisonment for life and to pay a fine of Rs. 100,000/- (one lac) as compensation, which, if paid, shall be given to the heirs of the deceased, Ghulam Abbass. In case of default, he was directed to undergo simple imprisonment for three months. The benefit of Section 382-B Cr.P.C. has also been extended to the appellant. The

record further reveals that the accused has remained in custody for 24 years, 11 months, and 15 days, which means only one year, three months, and 15 days are left. While a major portion of the sentence has already been served, the learned counsel for the appellant has not pressed to set aside the conviction and has prayed for a reduction of the sentence to the extent that he has already undergone. The learned DPG for the State has recorded his no objection; therefore, the appeal is maintained while the sentence is reduced to the period already undergone by the appellant. The appeal is accordingly dismissed while the sentence is modified as referred to above. The appellant, Mujeebullah alias Mujahid, is in custody and shall be released forthwith by the jail authorities, if he is not required in any other custody case.

JUDGE

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