HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

Cr. Appeal No.S-31 of 2015

[Shahnawaz Mallah vs. The State]

Appellant	:	**Shahnawaz Mallah S/o Muhammad Uris** By Mr. Roshan Ali Azeem Mallah advocate
Respondent	:	**The State** By Mr. Siraj Ahmed Bijarani Assistant P.G
Date of hearing	:	25.08.2026
Date of decision	:	25.08.2026

O R D E R

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JAWAD AKBAR SARWANA J:- The Appellant/convict Shahnawaz Mallah S/o Muhammad Uris in this appeal was convicted & sentenced vide judgment dated 21.02.2015 passed by the learned IIIrd Additional Sessions Judge, Hyderabad in FIR No.77 of 2013 under Section 23-A of Sindh Arms Act, 2013 registered at P.S Bhittae Nagar to suffer R.I for three years and to pay fine of Rs.5,000/- and in default whereof to further undergo S.I for 30 days.

2. Learned counsel for the appellant states that he does not press the appeal on merits and instead will be satisfied if the sentence given to the appellant is reduced to the one already undergone. He further states that the appellant has no past criminal record. Learned Assistant P.G also categorically accords his "No Objection".

3. I have heard the learned counsel and APG and perused the record. It appears that the appellant/convict has undergone a substantive period of one month and 11 days of his sentence. Further, on 30.03.2015, this (High) Court also suspended his sentence, and the appellant/convict has been on bail for the last 11 years. Accordingly, keeping in mind the fact that the appellant/convict is repenting his mistake and is the sole earner of his family and also keeping in mind that family members of the appellant have suffered in this period, notwithstanding that the learned A.P.G. has given "No Objection" to the appellant/convict sentence being undergone, I am of the view that the interests of justice have been met. Accordingly, while dismissing the appeal on merit, the sentence awarded to the appellant is modified to one already undergone by him, which also includes the sentence that was required to be served by him in default of payment of fine amount. The appellant is present on bail; his bail bond is cancelled, and the surety stands discharged. The cr. appeal is dismissed in the above terms.

JUDGE

Sajjad Ali Jessar