

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Criminal Jail Appeal No.D-55 of 2020
Criminal Appeal No.D-66 of 2020

Before;

Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Irshad Ali Shah

Appellant: Mehar son of Abdullah Shaikh,
Through Mr. Badaruddin Memon Advocate.

State: Ms. Sana Memon,A.P.G.

Date of hearing: 18.11.2020

Date of decision: 18.11.2020

JUDGMENT

IRSHAD ALI SHAH, J. It is alleged that on arrest from appellant was secured 1020 grams of Chars by police party of P.S Site Hyderabad led by ASI Ashique Ali Abro, for that he was booked and reported upon.

2. After due trial, the appellant was found guilty for an offence punishable under section 9 (c) of CNS Act, 1997 and was convicted and sentenced to undergo R.I for two years with fine of Rs.10,000/- and in case of his failure to make payment of fine to undergo S.I. for fifteen days by learned Special Judge Control Narcotic Substance/Model Criminal Trial Court-II/IVth Additional Sessions Judge, Hyderabad vide his judgment dated 26.08.2020, which is impugned by the appellant by preferring two appeals one from jail and other through his counsel.

3. At the very outset, it is stated by learned counsel for the appellant that he would not press the disposal of instant appeals on merits, if the sentence/conviction awarded to the appellant is reduced to six months with fine for the reasons that there is no criminal record of the appellant and he is the only earning member of his family.

4. The proposal advanced by learned counsel for the appellant was readily accepted by learned A.P.G for the State.

5. We have considered the above arguments and perused the record.

6. There is no independent witness to the incident. There is nothing on record which may suggest that the appellant is having a criminal record. The appellant is said to be the only earning member of his family and he has suffered the agony of protracted trial for more than one year. In these circumstances, a case for lenient action against him obviously is made out, therefore, the conviction/sentence awarded to the appellant is reduced to period of six months with fine of Rs.10,000/- and in case of default to make payment of fine, the appellant would undergo simple imprisonment for period of ten days with benefit of section 382-B Cr.P.C.

7. Both the appeals are disposed off in above terms.

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