

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT**  
**HYDERABAD**

**Criminal Jail Appeal No.D-117 of 2019**

**Before;**

Mr. Justice Arshad Hussain Khan  
Mr. Justice Irshad Ali Shah

**Appellant:** Muhammad Imran Son of Muhammad Ramzan Bhatti, through Syed Zeeshan Hyder Rizvi, Advocate.

**State:** Mr. Shahid Ahmed Shaikh, DPG.

**Date of hearing:** 16.02.2021

**Date of decision:** 16.02.2021

**JUDGMENT**

**IRSHAD ALI SHAH, J.** The facts in brief necessary for disposal of instant appeal are that the appellant for an offence punishable under section 9 (c) of CNS Act, 1997 for being in possession of 2000 grams of Chars was convicted and sentenced to undergo R.I for four years and six months with fine of Rs.20,000/- and in default whereof to undergo S.I for five months by learned Special Judge CNS Sanghar, vide his Judgment dated 22<sup>nd</sup> May 2019, which is impugned by the appellant before this Court.

2. At the very outset, it is stated by learned counsel for the appellant that he would not press the disposal of instant appeal on merits, if the conviction/sentence awarded to the appellant by learned trial Court is reduced to one which is already undergone by him for the reasons that he is the only earning member of his family.

3. Learned D.P.G for the State readily accepted the proposal advanced by learned counsel for the appellant.

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

5. There is no independent witness to the incident. Only 70 grams of Chars has been subjected to chemical examination. The appellant is said to be the only earning member of his family and he has already suffered the agony of protracted trial for about three years. All these circumstances, collectively call for lenient action. As per jail roll furnished by the jail authorities the appellant has already undergone 02 years 07 months and 06 days of the substantial sentence and beside this he has also earned remission of 01 year, 05 months and 23 days, which appears to be sufficient punishment for the above said offence, in the circumstances of the case, therefore, the conviction/sentence awarded to the appellant is reduced to one which is already undergone by him with fine of Rs.5,000/- and in case of default whereof, he would undergo simple imprisonment for 15 days with benefit of section 382-B Cr.P.C.
6. The instant appeal is disposed of accordingly.

**J U D G E**

**J U D G E**