

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Revision Application No.148 of 2021

Date

Order with signature of Judge

1. *For hearing of Main Case.*
2. *For hearing of M.A No.7543/2021.*

23.08.2021

M/s. Muhammad Naeem Memon & Malik Muhammad Aijaz,
Advocates for the Appellant.
Ms. Rubina Qadir, Deputy Prosecutor General, Sindh.

ORDER

After arguing revision application at some length, learned counsel for the applicant submits that per jail roll dated 13.08.2021, applicant had served out sentence 00 years, 03 months and 13 days without remissions and has earned remissions up to 13.08.2021 as 00 years, 11 months and 12 days; whereas, total sentence served out including remissions is/was 01 year, 02 months and 25 days. Remaining portion of his sentence was 02 years, 03 months and 05 days only.

Learned counsel for applicant/appellant prays for a lenient view in the case, on the ground that the applicant/appellant and his family members are extremely poor, and he is the only earning member of his family. Learned counsel further contends that the appellant is a first offender and that he has served out sufficient portion of sentence awarded to him, and his conduct at jail has remained satisfactory; as reported in the jail-roll.

Learned Deputy Prosecutor General, Sindh has conceded to the above submission made by learned counsel for appellant and extended no objection, if conviction and sentence of appellant is modified and reduced to a period already undergone by the appellant.

I have considered the submissions made by learned counsel appellant that the appellant and his family are extremely poor persons and he is the only breadwinner of the family. Perusal of the jail-roll of

appellant shows that the appellant has served out sufficient portion of the sentence including remission and his conduct in jail is satisfactory. The Appellant also appears to be first offender, as there is no such material on record that the Appellant is already convicted in any other case. In the given circumstances, I am inclined to take a lenient view in the matter. Accordingly, the sentence awarded to the Appellant including the period he was to undergo in lieu of fine, is reduced to the period of his detention in jail he has already undergone.

With the above modification in the sentence of Appellant, instant Criminal Revision Application is dismissed. Impugned judgments viz. judgment dated 06.10.2020 passed by IIIrd Judicial Magistrate, Karachi (South) in Criminal Case No.6058/2019 (re-the State Versus Imran Ramzan) and judgment dated 29.05.2021 passed by Additional Sessions Judge-II, Karachi (South) in Criminal Appeal No.27/2020 (re-Imran Ramzan Versus the State) are hereby maintained; however, the sentences awarded to the applicant/appellant are hereby modified in the terms stated above. The appellant shall be released forthwith, if his custody is not required in any other case.

JUDGE

Zulfiqar/P.A