

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Jail Revision Application No.17 of 2021

Date

Order with signature of Judge

1. For orders on M.A No.791/2021.
2. For hearing of Case.

11.10.2021

Appellant produced in custody.
Ms. Rubina Qadir, Deputy Prosecutor General, Sindh.

ORDER

Pursuant to directions contained under earlier order, Senior Superintendent, Central Prison & Correctional Facility, Karachi has furnished jail roll of applicant/convict Amir @ Kala dated 09.10.2021, which reveals that applicant/convict Amir @ Kala son of Muhammad Naeem has earned remissions upto 11.10.2021 as 01 year, 00 months and 00 days and has served out sentence without remissions 01 year, 09 months and 06 days; however, has served out sentence including remissions 02 years, 09 months and 06 days and unexpired portion of his sentence is 00 years, 03 months and 04 days.

Applicant/convict produced in custody, prays for a lenient view in the case, on the ground that he and his family members are extremely poor, and he is the only earning member of his family. Next contends that he 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 applicant/convict produced in custody and extended no objection, if conviction and sentence of applicant/convict is modified and reduced to a period already undergone by him.

I have considered the submissions made by applicant/convict that he (applicant/convict) and his family members are extremely poor persons and he is the only breadwinner of the family. Perusal of the jail-roll of applicant/convict shows that he has served out sufficient portion of the sentence including remission and his conduct in jail is satisfactory. Applicant/convict also appears to be first offender, as there is no such material on record that he 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 Applicant/convict 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 applicant/convict, instant Criminal Jail Revision Application is hereby dismissed. Impugned judgments viz. judgment dated 11.08.2020 passed by 18th Judicial Magistrate/MTMC, Karachi (South) being outcome of Crime No.163/2018 of P.S Eidgah, Karachi, under Section 392/411/34 PPC and judgment dated 11.11.2020 passed by learned Sessions Judge, Karachi (South) in Criminal Appeal No.21/2020 (re-Amir @ Kala Versus the State) are hereby maintained; however, the sentences awarded to the applicant/appellant are hereby modified in the terms stated above. The applicant/appellant produced in custody is remanded to jail with directions to release him forthwith, if his custody is not required in any other case.

JUDGE

Zulfiqar/P.A