

**JUDGMENT SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
Cr. Appeal No.S-224 of 2018

---

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
-------------	---

---

1. For hearing of main case.
2. For hearing of MA-7474/2018

Appellant: Siddique alias Babu S/o Abdul Karim Mallah,  
Through Mr. Ghulamullah Chang,  
Advocate

The State: through Mr. Shahzado Saleem Nahiyoon  
Deputy Prosecutor General, Sindh.

Date of hearing : 19.08.2019  
Date of judgment: 19.08.2019.

**JUDGMENT**

Through instant criminal appeal, appellant Siddique alias Babu has assailed the judgment dated 27.09.2018 passed by learned IVth Additional Sessions Judge, Hyderabad in Sessions Case No.253 of 2013 (*Re: the State v. Siddique alias Baboo*), whereby he has been convicted for offence under Section 25 of Sindh Arms Act, 2013 and sentenced to suffer imprisonment for 10 years and to pay fine of Rs.50,000/, in default thereof, to suffer S.I for further 06 months with benefit of Section 382-B Cr.P.C.

2. Precisely, prosecution case is that complainant ASI Shoukat Ali arrested appellant / accused Siddique alias Baboo in Crime No.77 of 2011 under Section 302 PPC and during interrogation he agreed to produce Repeater Gun of 12-Bore allegedly used in above murder case. The complainant alongwith his subordinate staff took the accused to his house situated at Goth Mori Manager, where he produced one unlicensed repeater gun of 12-bore without number in presence of mashirs, namely, Bilawal and Faraz. ASI prepared mashirnama of recovery and arrest in presence of the above named mashirs and brought the accused and property at P.S and lodged F.I.R under Section 25 of Sindh Arms Act, 2013 against the accused and after completing investigation submitted challan in Court.

3. After completing all legal formalities learned trial Court recorded evidence and passed impugned judgment.

4. Learned counsel for the appellant, at the very outset leaves himself at the mercy of this Court and submits that he would not press this appeal on merits if sentence and fine awarded to appellant by learned trial Court is reduced to one already undergone on humanitarian ground as the appellant is a poor person and only bread earner of his family. He further submits that the appellant has remained in jail for more than six years, for which he and his family have already faced hardship.

5. Learned D.P.G after going through the record tenders no objection to above proposal.

6. Arguments heard and record perused. Record reflects that the appellant has remained in Jail for more than six years excluding remissions. He is said to be a first offender and bread earner of his family. Due to his confinement in jail he and his family have already faced hardship, therefore, keeping in view the above circumstances and no objection tendered by learned D.P.G, I am of the considered view that the appellant deserves leniency. While taking lenient view, I reduce the sentence and fine awarded to the appellant by learned trial Court to one already undergone by him. Appellant is in jail, he is directed to be released forthwith if not required in any other case.

Appeal stands disposed of in above terms.

JUDGE