

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Jail Appeal No. D-79 of 2016

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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For Regular Hearing.

Before:

**Mr. Justice Abdul Rasool Memon &
Mr. Justice Aftab Ahmed Gorar.**

Mr. Mehfooz Ahmed Awan Advocate alongwith appellant.
Mr. Zulfiqar Ali Jatoi, Additional P.G.

Date of hearing: 31-08-2017.
Date of Judgment: 31-08-2017.

J U D G M E N T

Aftab Ahmed Gorar J., Through this Crl. Jail Appeal, appellant Sikandar Ali has assailed conviction and sentence awarded to him vide judgment dated 14.4.2016, delivered by learned Judge, ATC, Naushehro Feroze, whereby appellant was convicted for offence under section 23(i)(a) Sindh Arms Act, 2013 and sentenced to suffer R.I for 07-years with benefit of section 382-B CrPC extended to him.

2. Learned counsel for appellant contended that appellant is innocent and has falsely been implicated by the police. He further added that appellant is not previous convict and is first offender. He also contended that the appellant is ready not to press instant appeal on merit if his sentence is reduced to that of already undergone as he has served out major

portion of sentence and he may be given a chance in his life to rehabilitate himself.

3. Learned Additional P.G conceded to the reduction of sentence of appellant to that of already undergone. On query, he admitted that appellant is not previous convict.

4. We have carefully heard learned counsel for appellant and learned APG and scanned the entire evidence.

5. Per jail roll dated 09.12.2016, appellant has served his sentence for 02-years,10-months and 16-days with remissions of 01-month and 12-days, which appears to be a substantial portion of sentence.

6. In view of above discussion, we are of the view that appellant has made out a case for reduction of his sentence, therefore, while following the dictum laid down in case of **Gul Naseeb v. The State (2008 SCMR 670)** and **Niaz-ud-Din v. The State (2007 SCMR 206)**, and in order to give a chance to the appellant in his life to rehabilitate himself, instant CrI. Jail Appeal of the appellant is partly allowed. Consequently, while maintaining the conviction of the appellant, the sentence of the appellant inflicted on him is reduced to that of already undergone. Appellant is present on bail, his bail bond stands cancelled and surety discharged. Office is directed to return surety documents to the surety after proper verification and identification.

JUDGE

JUDGE