

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**Crl. Jail Appeal No. D-77 of 2012**  
**Const. Petition No. D-689 of 2017.**

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
-----------------	--------------------------------

For Regular Hearing.

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

Mr. Mehfooz Ahmed Awan Advocate for appellant in both matters.  
Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General.

Date of hearing: 10-08-2017.  
Date of Judgment: 10-08-2017.

**J U D G M E N T**

**Aftab Ahmed Gorar J.,** Through this Jail Appeal No. D- 77 of 2012, appellant has challenged his conviction and sentence passed by learned Judge, ATC, Khairpur in special case No. 40 of 2009 vide judgment dated 18.10.2012, whereby appellant was convicted under section 324 PPC and sentenced to suffer R.I for 10-years with fine of Rs. 50,000/-.He was also convicted for offence under section 353 PPC and sentenced to suffer 02- years R.I with fine of Rs. 5000/- so also for offence under section 7 ATA, 1997, he was sentenced to R.I for 10-years with fine of Rs. 50,000/-. While through petition, appellant seeks suspension of his sentence by releasing him on bail.

2. It is, inter alia, contended by learned counsel for the appellant that appellant is first offender and is a previous non-convict and he is the sole male member and bread earner of his family. Learned counsel for appellant expressed his readiness not to press the instant appeal on merits if the sentence

of the appellant is reduced to that of already undergone as the appellant has served out his major portion of sentence in jail.

4. Learned Additional P.G conceded to the submissions raised by learned counsel for appellant.

5. Per jail roll dated 10.8.2017, appellant has served his major portion of sentence in jail for 04-years, 09-months and 22-days with remission of 01-year, 03- months and 07-days, therefore, looking to the past history of the appellant so also while following the dictum laid down in case of **Niaz-ud-Din v. The State (2007 SCMR 206)**, while dismissing the instant Crl. Jail Appeal, we are persuaded to reduce the sentence of imprisonment of appellant to that of already undergone including the sentence of fine amount. Appellant is in jail. He be released forthwith, if he is not required in any other case.

6. The constitution petition No.D-689 of 2017 seeking suspension of sentence by releasing the appellant on bail stands dismissed as not pressed being infructuous.

JUDGE

JUDGE

Ahmed