

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Revision No. S – 23 of 2015

For hearing of main case

(B.Ws issued)

Mr. Ali Raza Kalwar Advocate along with applicants
Mr. Khalil Ahmed Maitlo, DPG for the State

Date of hearing: 20.9.2019

Date of decision: 20.9.2019

J U D G M E N T

Aftab Ahmed Gorar, J; Through this Criminal Revision Application, the applicants namely Gul Hassan, Ali Madad, Asghar, Hazoor Bux alias Gul Muhammad, Mattar alias Manzoor Ali, Naseer, Gul Bahar, Shahmeer, Hazoor Bux, Shahnawaz, Habibullah, Kashmir, Jeewan, Shabbir and Hazaro, have assailed the impugned judgment dated 20.02.2015 passed by learned IV-Additional Sessions Judge Mirpur Mathelo, whereby he has dismissed Criminal Appeal No.14/2014 preferred by the applicants and upheld judgment dated 31.5.2014, passed by learned Civil Judge & Judicial Magistrate Daharki, whereby the applicants were awarded conviction and sentence for offence under Section 26(d) of the Forest Act, 1927 to suffer R.I for six months with fine of Rs.5000/- each, in case of default they shall undergo S.I for one month more.

2. Learned counsel for the applicants contends that the applicants are innocent and have falsely been implicated by the officials of the Forest Department. He further contends that the applicants are not previous convicts and are the first offenders. He contends that the applicants are ready not to press instant criminal revision application if their sentence is reduced to that of already undergone as they have served out adequate portion of sentence for a period of

more than one month and they may be given a chance in their life to rehabilitate themselves.

3. Learned Deputy Prosecutor General appearing for the State concedes to the reduction of sentence of the applicants to that of already undergone. On query, he admits that applicants are not previous convicts.

4. I have carefully heard the learned counsel for the applicants and learned DPG for the State and scanned the entire evidence.

5. In view of above discussion, I am of the view that applicants have made-out a case for reduction of their sentence, therefore, while following the dictum laid down in the cases 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 applicants in their life to rehabilitate themselves, instant Criminal Revision Application of the applicants is partly allowed. Consequently, while maintaining the conviction of the applicants, the sentence of the applicants inflicted on them is reduced to that of already undergone. All the applicants are present on bail, their bail bonds stand cancelled and surety discharged. Office is directed to return the surety documents to the surety after proper verification and identification, as per rules.

Judge