

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Appeal No.S-247 of 2019

**Appellant:** Pathan son of Muhammad Hassan through  
Mr. Wazeer Hussain Khoso, advocate.

**The State** : Through Ms. Safa Hisbani, A.P.G.

**Date of hearing** : 10.03.2021

**Date of decision** : 10.03.2021

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

**IRSHAD ALI SHAH-J;** The appellant by way of instant appeal has impugned judgment dated 29.08.2019 rendered by learned Additional Sessions Judge, Sehwan, whereby he has been convicted and sentenced as under;

- i) ***“U/s 324 PPC for causing fire shot injury to PW Ali Dost was convicted and sentenced to undergo Rigorous Imprisonment for seven years and to pay fine of Rs.50,000/-as compensation to said injured and in default in payment fine to undergo simple Imprisonment for six months.***
- ii) ***U/s 302(b) PPC for committing death of Muhammad Ali was convicted and sentenced to undergo Rigorous Imprisonment for **14 years** as “Tazir” and to pay fine of Rs.100,000/-as compensation to the legal heirs of the said deceased and in case of default in payment of fine to undergo Simple Imprisonment for one year.”***

2. The conviction and sentences awarded to the appellant have been ordered to run concurrently with benefit of section 382-B Cr.P.C.

3. At the very outset, it is pointed out by learned counsel for the parties that the punishment prescribed by law for offence punishable under Section 302(b) PPC is *death or Imprisonment for life* as “Tazir”;

therefore, the imprisonment of **14 years** awarded to the appellant for offence punishable u/s 302(b) PPC being contrary to law is illegal, which could not be sustained. By pointing out so, they sought for remand of the case for re-writing of the judgment in accordance with Law. In support of their contention, they relied upon case of *Muhammad Juman Vs. The State and others* [2018 SCMR 318].

4. In view of above, the impugned judgment is set-aside with direction to learned trial Court to re-write the same in accordance with law, such exercise to be completed preferably within one month, after receipt of copy of this judgment.

5. The instant Appeal is disposed of accordingly.

**J U D G E**

Ahmed/Pa,