

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Appeal No.175 of 2022

Date	Order with Signature(s) of Judge(s)
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1. For hearing of case.
2. For hearing of M.A. No.3429/2022.

10.05.2022

Mr. Shaukat Ali Shehroze, Advocate for appellant.
Mr. Ch. Wasim Akhter, Assistant Attorney General.

This Criminal Appeal is directed against the judgment dated 03.03.2022 passed in Sessions Case No.364/2022, arisen out of Crime No.173/2021, registered under section 3(2), 5, 13/14 Foreigners Act, 1946 read with Section 419/420/468/471/109, P.P.C. at P.S. FIA, AHTC, Karachi, whereby the learned Additional Sessions Judge-V, Karachi-Malir convicted the appellant for the offence under section 14 of the Foreigners Act, 1946 read with section 419, 420, 468, 471, P.P.C. and sentenced him to undergo R.I. for one year in each offence and to pay fine of Rs.5,000/- for each offence and/or in default thereof he shall suffer S.I. for 15 days more. The benefit of section 382-B, Cr.P.C. was extended to the appellant and all the sentences were ordered to run concurrently.

2. The learned counsel for the appellant at the very outset does not press this appeal on merits and states that the appellant has already undergone a minimum half of his awarded sentence; therefore, his sentence may be reduced from R.I. one year to the sentence already undergone by him.

3. Learned Assistant Attorney General records no objection to the above proposition of learned counsel for the appellant.

4. It appears from the jail roll, dated 06.5.2022, that the appellant, who is a Iranian national, has served out sentence of almost six months and three days (including remission), which is half of the sentence awarded to him.

5. In view of above, while considering the fact that the appellant has already served substantive portion of the sentence awarded to him by the learned trial Court, it appears that the ends of justice stand satisfied. Consequently, the impugned judgment to the extent of conviction is maintained; however, by consent the sentence awarded to the appellant by the learned trial Court is reduced to already undergone. With the above modification in the sentence, the appeal is dismissed. The appellant is in jail. The jail Authorities are directed to contact the Home Department, Province of Sindh and Federal Interior Ministry to send the appellant/convict back to his country of origin after payment of fine amount, as mentioned above.

Criminal Appeal stands disposed of with pending application.

JUDGE

Abrar