

**THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**Crl. Appeal No. S- 64 of 2020**

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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**For hearing of main case.**

Appellant produced under custody.  
Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

**Date of hearing:** 26-10-2020

**Date of Judgment:** 26-10-2020

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

**AFTAB AHMED GORAR J.,** Through this Crl. Appeal, appellant Ahsan Shaikh has challenged the validity of impugned judgment dated 03.09.2020, passed by learned 3<sup>rd</sup> Additional Sessions Judge, Mirpur Mathelo in Sessions Case No. 47 of 2019, arising out of Crime No. 208 of 2018, registered at P.S, Ubauro, under Sections 324, 353, 411, 148 & 149 PPC, whereby the appellant was convicted for offence Section 324 PPC and sentenced to undergo for a period of 03-years R.I and fine of Rs. 3000/- and in case of default in payment thereof, appellant to suffer one week S.I more. The appellant was also convicted for offence under Section 353 PPC and sentenced to R.I for 01-year and fine of Rs. 1000/- and in case of default thereof, to undergo S.I for 03-days more. He was also convicted for offence under Section 148 PPC and sentenced to undergo for a period of 06-months R.I and fine of Rs.500/- and in case of default thereof to undergo S.I for one day. He was also

convicted for offence under Section 149 PPC and sentenced to undergo R.I for 06-months fine of Rs.500/- and in case of default thereof to undergo S.I for one day more. All the sentences were ordered to run concurrently with benefit of Section 382-B Cr.P.C extended to appellant.

2. Appellant produced under custody submits that he is innocent and has falsely been implicated in this case by the police; that he is first offender and having family responsibilities; that due to his detention in prison, he and his family have mentally and financially crippled; that he has learnt a lesson and has regrets, as he committed the offence in mitigating circumstances; therefore, he has remorse and penitence. He further submits that while serving out sentence, he has improved a lot and realized his mistake that he committed an illegal offence and he wants to reform and rehabilitate himself as respectable citizen. Lastly, he expressed his readiness not to press this Criminal Appeal on merits if his sentence is reduced to that of already undergone as he has served out sufficient portion of sentence.

3. In view of above submissions made by the appellant, learned Deputy P.G for the State has frankly conceded and recorded no objection if the sentence awarded to the appellant by the learned trial Court is reduced to that of already undergone.

4. Perusal of Jail Roll of appellant of even dated shows that appellant has served out substantive portion of sentence for a period of 01-year, 10-months and 13-days and remissions earned by him are 09-months and 27-days, which according to learned Deputy P.G appears to be an adequate sentence, hence appellant deserves leniency.

5. The upshot of the above discussion is that the appellant has succeeded to make out a case for reduction in the sentence, therefore, while following the dictum laid down in cases of **Gul Naseeb v. The State (2008 SCMR 670)** and **Niaz-ud-Din v. The State (2007 SCMR 206)**, so also in order to give a chance to appellant in his life time to rehabilitate himself, the instant CrI. Jail Appeal is partly allowed. Consequently, while maintaining the conviction of the appellant, the sentence of the appellant inflicted on him by learned trial Court is reduced to that of already undergone including the sentence of fine amount and the term of imprisonment in default thereof. Appellant is produced under custody. He is remanded back to jail with directions to jail authorities to release him forthwith, if not required in any other custody case.

**JUDGE**