

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**Crl. Appeal No. D-113 of 2016**

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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For Regular Hearing.

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

Mr. Ghulam Shabir Dayo Advocate for appellant.  
Mr. Abdul Rehman Kolachi, Deputy Prosecutor General.

Date of hearing: 22-08-2017.  
Date of Judgment: 22-08-2017.

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

**Aftab Ahmed Gorar J.,** Through this Crl. Appeal, appellant Fayaz Ahmed Siyal has challenged impugned judgment dated 30.5.2016, passed by learned 1<sup>st</sup> Additional Sessions/Special Judge, CNS, Khairpur in special case No. 85 of 2014, whereby appellant was convicted for offence under section 9-C of CNS Act, 1997 and sentenced to suffer R.I for 06-years and 06-months and to pay Rs. 30,000/- and in case of default to suffer S.I for 06-months.

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 substantial portion of

sentence in jail and he may be given a chance in his life to rehabilitate himself.

4. Learned Additional P.G conceded to the submissions raised by learned counsel for appellant. On court query, he admitted that appellant is not a previous convict

5. Per jail roll dated 17.8.2017, appellant has served out his sentence 02-years, 08- months and 23-days with remissions earned by him is 10-months, which appears to be a substantial portion of sentence.

6. In view of above facts and circumstances of the case and in order to give a chance to the appellant in his life to rehabilitate himself 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. Appeal, we are persuaded to reduce the sentence of appellant to that of already undergone including the sentence of fine amount. Appellant is behind bars. He be released forthwith, if he is not required in any other case.

JUDGE

JUDGE