

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Appeal No. 219 of 2013

Date	Order with signature of Judge
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14.12.2021

Raj Ali Wahid, advocate for the applicant
Ms. Seema Zaidi, DPG
Mr. M.A. Kazi, advocate for complainant

Aftab Ahmed Gorar, J.:- Captioned Criminal Appeal is directed against the impugned judgment dated 24.07.2013 passed by the learned IInd Additional Session Judge, Karachi (East) in Sessions Case No.480 of 2005 arising out of Crime No.253/2005 under section 302/201 PPC registered at Police Station New Town, Karachi whereby the appellant was convicted and sentenced to suffer imprisonment for life and to pay Rs.50,000/- as compensation to the legal heirs of deceased in view of Section 544-A Cr.P.C. In case of default in payment the appellant was directed to undergo S.I. for five months more. However benefit of Section 382-B Cr.P.C. was given the appellant.

2. At the outset, learned counsel for the appellant while reiterating the facts and grounds mentioned in the memo of instant Criminal Appeal submitted that the learned trial Court failed to appreciate that the matter involves many issues of complex nature and some of them were matters of first impression which to be considered. He further contended that there is an inordinate delay of five days in lodging the FIR for which no cogent reason has been given. That the learned trial Court convicted the appellant on the flimsy ground i.e. during investigation finger prints of the appellant were found on the body of deceased, however it ignored the fact that deceased was his wife and apart from this there is no evidence against the appellant. He submitted that the learned trial Judge failed to appreciate the above facts and passed the impugned judgment in haste without applying judicial mind.

Learned Counsel for the appellant therefore stated that the appellant has made out a case for reduction of sentence to the extent he has already undergone, as he remained in jail for about sixteen years, six months and one day including remission.

3. Heard the learned Counsel and perused the record.

4. The learned Deputy Prosecutor General as well as learned Counsel appearing for the complainant have raised no objection for reduction of sentence as proposed by learned Counsel for the appellant.

5. Admittedly the appellant remained in jail for about sixteen years, six months and one day including remission. In the case of *Niazuddin v. The State* reported as **2007 SCMR 206**, the Hon'ble Supreme Court was pleased to reduce the sentence from imprisonment of ten years to six years whereas in the case of *Gul Naseeb v. The State* reported as **2008 SCMR 670**, the Hon'ble Supreme Court reduced the sentence from imprisonment for life to ten years.

6. In such circumstances, in my opinion, the appellant had suffered adequate punishment i.e. sixteen years, six months and one day including remission hence the ends of justice has been satisfied. Accordingly, this Criminal Appeal against conviction is dismissed as not pressed and the sentence awarded to the appellant in the case mentioned above is altered into imprisonment which appellant had already undergone along with fine.

7. The captioned Criminal Appeal stand disposed of in the manner indicated above.

JUDGE