

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Cr. Appeal No.488 of 2021

And

Cr. Appeal No.489 of 2021

Sahil

Versus

The State

Date	Order with Signature of the Judge
	_____

For hearing of main case.

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18.11.2021

Mr. Zaheer Ahmed Ujjan, Advocate for appellants.  
Ms. Seema Zaidi, Deputy Prosecutor General, Sindh.

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**Aftab Ahmed Gorar, J.:-** Captioned Criminal Appeals are directed against the impugned judgments both dated 02.08.2021 passed by the learned IVth Additional Session Judge, Malir Karachi in Sessions Case No.1783 of 2019 arising out of Crime No.556/2019 under section 23(I)(a) of the Sindh Arms Act, 2013 and in Sessions Case No.1782 of 2019 arising out of Crime No.557/2019 under sections 392/324/34 PPC registered at Police Station Site Super Highway Industrial Area, Karachi. Since both the appeals are interconnected and filed by one and same appellant, hence I intend to dispose of both the appeals by a common order. Through the above judgments, the appellant was convicted as under:-

- i) In Sessions Case No.1783 of 2019 the appellant sentenced to suffer R.I. for three years and to pay a fine of Rs.10,000/- to be deposited in the relevant government head. In case of default in payment of fine the appellant was directed to

undergo S.I. for one month more. However benefit of Section 382-B Cr.P.C. was given the appellant.

- ii) In Sessions Case No.1782 of 2019 the appellant sentenced to suffer R.I. for three years and to pay a fine of Rs.30,000/- to be deposited in the relevant government head. In case of default in payment of fine the appellant was directed to undergo S.I. for one month more. However benefit of Section 382-B Cr.P.C. was given the appellant.

2. It is pertinent to mention here that though both the cases were tried by same learned Judge who convicted and sentenced the appellant in both the cases, however the sentences were not ordered to run concurrently, as such both the sentences were to be served out by the appellant separately.

3. At the outset, learned counsel for the appellant while reiterating the facts and grounds mentioned in the memo of instant Criminal Appeals submitted that the no recovery was made from the possession of the appellant and the alleged weapon has been foisted upon him since the appellant failed to fulfill the demand of illegal gratification of the Police. He further submitted that the actual accused was one Sajjad who according to prosecution witnesses made his escape good from crime scene as such the appellant was booked in both the cases by police in order to settle the score and show their efficiency. He submitted that the learned trial Judge failed to appreciate the above facts and passed the impugned judgments in haste without applying judicial mind. Learned Counsel for the appellant therefore stated that the appellant has made out a case for reduction of sentences to the extent he has already undergone, as he remained in jail for about five years, five months and fourteen days including remission up to 11.10.2020.

4. Heard the learned Counsel and perused the record.

5. The learned Deputy Prosecutor General has raised his no objection for reduction of sentence as proposed by learned Counsel for the appellant.

6. Admittedly the appellant remained in jail for about five years, five months and fourteen days including remission up to 11.10.2020. 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.

7. In such circumstances, in my opinion, the appellant had suffered adequate punishment i.e. five years, five months and fourteen days including remission hence the ends of justice has been satisfied. Accordingly, both these Criminal Appeals against convictions are dismissed as not pressed and the sentences awarded to the appellant for both the cases mentioned above to collectively undergo R.I for 06 years four months and to pay fine of Rs.10,000/- and Rs.30,000/- respectively are altered into imprisonment which appellant had already undergone along with fine in both the appeals.

8. The captioned Criminal Appeals are disposed of in the manner indicated above.

J U D G E