

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

Cr. Appeal No.146 of 2021

Abdul Qahar

Versus

The State

Date	Order with Signature of the Judge
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For hearing of main case.

18.11.2021

Mr. Nadeem Ahmed, Advocate for appellant.

Ms. Seema Zaidi, Deputy Prosecutor General, Sindh.

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Aftab Ahmed Gorar, J.:- Captioned Criminal Appeal is directed against the impugned judgment dated 02.02.2021 passed by the learned Vth Additional Session Judge, Karachi (Central) in Sessions Case No.929 of 2017 arising out of Crime No.228/2017 under section 23(I)(a) of the Sindh Arms Act, 2013 registered at Police Station Taimoria, Karachi whereby the appellant was convicted and sentenced to suffer R.I. for three years and to pay a fine of Rs.20,000/- 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. 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 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 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 two years, three months and twenty nine days including remission.

3. Heard the learned Counsel and perused the record.

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

5. Admittedly the appellant remained in jail for about two years, three months and twenty nine days 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. two years, three months and twenty nine days including remission hence the ends of justice has been satisfied. Accordingly, both this Criminal Appeal against conviction is dismissed as not pressed and the sentence awarded to the appellant in the case mentioned above to suffer R.I. for three years and to pay a fine of Rs.20,000/- is altered into imprisonment which appellant had already undergone along with fine.

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

J U D G E