

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Criminal Appeal No. 373 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGES
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1. For orders on MA No.3919/2022
2. For hearing of case

05-12-2022

Najeeba Sheikh, wife of the appellant.
Mr. Muhammad Ahmed, Assistant Attorney General.

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Omar Sial, J: Shahzad Tanveer on 25.07.2017 was convicted and sentenced by the Court of the learned Special Court Anti-Corruption & Emigration (Central-I) Karachi for an offence under section 22(b) of the Emigration Ordinance, 1979 read with section 489-F P.P.C. to rigorous imprisonment for 3 years and to pay a fine of Rs. 200,000 or in default spend another 6 months in prison.

2. The aforementioned judgment has been challenged through this appeal.

3. Najeeba Sheikh, the wife of the appellant, is present and conveys her inability to engage a counsel due to immense financial hardship. She submits that she does not want to continue with the appeal on merits but requests that leniency in sentence may be shown on the ground that the appellant is 70 years of age and is now paralyzed and she is the only person in the family left to look after him. She has filed medical reports in this regard and the appellant's state of affairs have also been confirmed by S.I. Manzoor Ahmed Abbasi of the F.I.A.

4. The jail roll shows that the appellant had completed 8 months of his 3 year term before he was released on bail. There is no doubt that the appellant is paralyzed. There is also no doubt in my mind that the wife of the appellant has found herself in an unenviable position of having no

means to earn a decent living and having a paralyzed husband, much older in years to her, to now look after. No purpose will be served any more by keeping the appellant in jail. He has already been punished by being paralyzed and keeping him in jail any more would effectively mean that his wife will be punished for his deeds. Surely, this is not what justice demands. The learned Assistant Attorney General, in the peculiar circumstances of this case, renders his no objection if the sentence awarded to the appellant is reduced to the one he has already undergone.

5. In view of the above, the appeal is dismissed, however with the modification that the sentence is reduced to the one the appellant has already served out, which will also include imprisonment in lieu of fine. The appellant is on bail. His bail bonds stand cancelled and surety discharged, which may be returned to its depositor upon identification.

JUDGE