

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Rev. Appln. No.S-85 of 2018

Cr. Rev. Appln. No.S-119 of 2015

Cr. Rev. Appln. No.S-120 of 2015

DATE ORDER WITH SIGNATURE OF JUDGE(S)

Date of hearing: 19.09.2022.

Date of judgment: 19.09.2022.

Applicants/accused : Bakhshan S/o Budho Khan Chandio and Altaf Hussain S/o Muhammad Farooque Rangar, through Mr. Nabi Bux Narejo, Advocate.

The State: : Through Mr. Fayaz Hussain Sabki, Assistant P.G Sindh.

J U D G M E N T

MUHAMMAD IQBAL KALHORO, J- Applicants were arrested with a stolen car bearing No.AGC-877 required in Crime No.66 of 2013 of P.S Kunri on spy information by SHO P.S Town Mirpurkhas and his team after an encounter from the road leading to Mirpurkhas on 25.06.2013 at 1830 hours and from each of them an unlicensed pistol was recovered. They were accordingly booked in Crime Nos.86, 87 and 88 of P.S Town Mirpurkhas. They were tried by learned IInd Assistant Sessions Judge, Mirpurkhas, who, vide separate judgments dated 19.02.2015 convicted them in the terms as stated below:-

- i) *For offence u/s. 324 of PPC applicants were convicted and sentenced to undergo R.I for 03 years and fine of Rs.5000/- each and in case of default in payment of fine amount, they shall suffer S.I for three months more.*
- ii) *For offence u/s. 353 PPC applicants were convicted and sentenced to undergo R.I for one year.*
- iii) *For offence u/s 411 of PPC applicants were convicted and sentenced to undergo R.I for 02 years and fine of Rs.5000/- each and in case of default in payment of fine amount, they shall suffer S.I for three months more.*

iv) For offence u/s. 23(i)(B) of Sindh Arms Act, 2013 applicants were convicted and sentenced to undergo R.I for 03 years and to pay fine of Rs.10,000/- each and in case of default in payment of fine amount, they shall suffer S.I for 03 months more. However, the sentences awarded to the applicants shall run concurrently with benefit of Section 382-B Cr.P.C.

2. They filed appeals against their conviction and sentences which have been dismissed by learned Ist Additional Sessions Judge, Mirpurkhas vide impugned judgments dated 13.05.2015, hence, these three separate revision applications.

3. Learned Counsel for the applicants at the very outset, stating that applicants are sole bread earners of their family, does not press these applications on merits and requests for taking a lenient view by converting their penalty to a period already undergone by them. Learned Assistant P.G does not oppose this request on the ground as stated above.

4. I have heard the parties and perused the record. In so far as evidence of prosecution witnesses is concerned, no discrepancy or material contradiction is found. They have supported each other on important aspects of the case: arrest of applicants, recovery of the stolen car from them after the encounter and unlicensed pistols from each of them. However, the record is silent as to whether the applicants, previous to that, were ever found involved in like nature cases.

5. The jail rolls of both applicants received today indicate that applicant Bakhshan has remained in jail for 01 year 07 months 17 days including remission, whereas applicant Altaf Hussain has remained in jail for 01 year 05 months 29 days including remission. The punishment for the offences under which the applicants have been convicted is upto 10 years in the case of 324 PPC, and upto 14 years in the case of recovery of un-licensed pistols respectively and no limit for minimum punishment is provided. Therefore, there is no impediment, legal or otherwise, in acceding to the request of the learned Defence Counsel, not opposed by the learned Assistant P.G, in such circumstances. Accordingly, the applications are dismissed on merits, however,

the sentence of the applicants is converted into a period already undergone by them. Applicants are on bail, their bail bonds stand cancelled and surety is hereby discharged.

The revision applications stand disposed of in above terms accordingly.

JUDGE

Shahid