

JUDGMENT SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Criminal Appeal No.S-93 of 2021

Appellants: Sakhi @ Shakhi through Mr. Wazeer Hussain Khoso, Advocate.

Respondent: The State through Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Date of hearing: 06.10.2022.

Date of Decision: 06.10.2022.

J U D G M E N T

Amjad Ali Sahito, J. In terms of impugned judgment dated 31.05.2021, passed by the learned 1st Additional Sessions Judge, Kotri in S.C. No.214/2011, Crime No.05/2010 for the offence under sections 13-E Arms Ordinance, registered at PS Bhan, the appellant was convicted and sentenced to suffer R.I. for ten years with fine of Rs.50,000/-; in default whereof, to suffer additional S.I. for six months. However, benefit of section 382-B Cr.P.C was extended to the appellant.

2. At the very outset, learned counsel for the appellant states that this is offshoot case of main crime No.01/2010, under sections 302, 324, 147, 148, 149 PPC registered at PS Bhan, in which the parties have patched and compromised the matter, therefore, he leaves the appellant at the mercy of the Court. He further states that if this Court while maintaining the conviction reduces the sentence to one he has already undergone, he would not press the Criminal Appeal.

3. On the other hand, learned Assistant Prosecutor General Sindh has supported the impugned judgment but she has no objection if a lenient view is taken against him by dismissing the instant Criminal Appeal and treating the sentence to one as already undergone.

3. I have heard the learned counsel for the appellant, learned A.P.G. for the State and have gone through the record.

4. Record reflects that in main case under section 302, 324, 147, 148, 149 PPC, the appellant was arrested and on his pointation crime weapon viz. 30 bore unlicensed pistol was recovered from him, as such, instant case was registered against the appellant. The appellant was arrested on 22.01.2010 and released on bail on 28.06.2010 as per record & proceedings of the case. Thereafter, he was taken into custody on 31.05.2021 at the time of passing impugned judgment and till then he is confined in Jail. As such, the appellant has remained in Jail near about two years without remission. Since in the main crime, the parties have patched up and the appellant has remained in Jail for sufficient period, therefore, there is no legal impediment in accepting the request made on behalf of the appellant. Only in order to enable the appellant to reform and rehabilitate himself to rejoin the mainstream life to once again become a useful member thereof, by taking leniency, instant Criminal Appeal is **dismissed** but with modification that the sentence including fine amount is reduced to one as the appellant has already undergone. Let such release writ of the appellant be issued forthwith if he is not required in any custody case.

5. Instant Criminal Appeal is **dismissed** with the above modification.

JUDGE