IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Criminal Revision Application No.S-78 of 2009

Applicants: Essa, Abdul Jabbar, Ismail and

Imam Bux through

Mr.Bhagwandas, Advocate.

Respondent: The State through Mr. Shahid

Ahmed Shaikh, Deputy Prosecutor

General Sindh.

Date of hearing: 03.10.2022.

Date of Decision: 03.10.2022.

ORDER

AMJAD ALI SAHITO, J. Through this Criminal Revision Application, the applicants have challenged the judgment dated 23.06.2009, passed by learned Sessions Judge, Sanghar in Criminal Appeal No.16 of 2009 filed by applicants, whereby the appeal was dismissed and maintained the judgment dated 15.05.2009 passed by the learned Civil Judge & Judicial Magistrate-I, Sanghar in Criminal Case No.257 of 2007 whereby the applicants were convicted for committing offence under section 337-A (iii) PPC compensation of Arsh in the sum of Rs.10,000/- each (total Rs.40,000/-, ten percent of Diyat) payable to injured and rigorous imprisonment for two years as Tazir; under section 337-A (i) PPC compensation of Rs.3,000/each as Daman payable to injured and rigorous imprisonment for six months as Tazir; under section 337-F (i) PPC compensation of Rs.2000/- each as Daman payment to injured and rigorous imprisonment for six months as Tazir and under section 337-L (ii) PPC rigorous imprisonment for six months as Tazir. All the sentences were ordered to run concurrently. However, the appellants were extended benefit of section 382-B Cr.P.C.

2. At the very outset, learned counsel for applicants contends that though the applicants have been involved in the

instant case falsely but since the applicants have remained behind the bars for sufficient time and still are being dragged since 2007, as such, he would not press the instant criminal revision application, if a lenient view is taken against the applicants by dismissing the instant criminal revision application and treating the sentence to one as already undergone.

- 3. On the other hand, learned Deputy Prosecutor General Sindh concedes that the applicants have remained behind the bars for sufficient period and learnt the lesson, therefore, he has no objection if a lenient view is taken against the applicants by dismissing the instant criminal revision application and treating the sentence to one as already undergone; however, he contends that the Arsh/Daman amount may be deposited by each of the applicants.
- 4. This criminal revision application is pending before this Court since 2009; the appellants were awarded very short sentences; they have remained in jail and learnt the lesson as they have undergone for sufficient period of the sentence and they are still being dragged in the instant crime since 2007. So far deposit of the Arsh/Daman amount as proposed by learned D.P.G. is concerned, the applicants were asked as to whether they are ready to deposit the same, to which they replied in affirmative but requested for the reduction of the same; as such, on the direction of this Court they have deposited Rs.20,000/- (Rs.5000/- by each applicant) with Accountant of this Court and learned counsel has placed on record such receipt. Consequently, while taking a leniency, instant Criminal Revision Application is dismissed but with modification that the sentence is reduced to one as already by the applicants with order undergone Arsh/Daman amount Rs.20,000/-, which they have already deposited. The said amount shall be disbursed to the injured as stated in the judgment passed by learned trial Court. The applicants are present on bail. They are released; their bail

bonds stand cancelled and surety [-ies] discharged. In view of above, the surety papers to be returned to the surety [-ies] after proper verification and identification.

5. Instant Criminal Revision Application is dismissed with above modification.

JUDGE

Abdullah Channa/P.S