

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Jail Appeal No. 525 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

1. For hearing of case
2. For hearing of MA No.10711/2022

23-02-2023

Mr. Maroof Hussain Hashmi, Advocate for appellant.
Mr. Muntazir Mehdi, Addl.P.G.

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Omar Sial, J: Naeem Butt was accused of having committed offence under section 395 and 337-A(i) P.P.C. and in that connection F.I.R. No. 71 of 2014 was registered at the Bahadurabad police station. On 27.06.2022, the court of the learned 10th Additional Sessions Judge, Karachi East found him guilty as charged and sentenced him to 5 years imprisonment for the offence under section 395 P.P.C. together with a fine of Rs. 200,000 (or spend a further 6 months in prison. For an offence under section 337-A(i) he was to give Rs. 10,000 as daman to the complainant and if he did not pay the daman he would have to remain in prison for another 1 month. The sentences were to run concurrently and the benefit of section 382-B Cr.P.C. was also given to Butt.

2. The learned counsel for the appellant submitted that he would not argue the case on merits but requested the court to show some leniency in the sentencing due to the financial distress the family of the appellant has gone into as a consequence of his being incarcerated. The learned Addl.P.G. submitted that he would have no objection if a lenient view was taken as the jail authorities have been satisfied with the behavior of the appellant. I have heard the learned counsel for the appellant and the learned Addl.P.G.

3. A jail roll was called that shows that the appellant is 6 days short of completing his 5 year sentence. In view of the financial distress of the family of the appellant, the fine and daman amount to be paid by the

appellant pursuant to the impugned judgment is modified as follows. For an offence under section 395 P.P.C., the fine amount is reduced from 200,000 to Rs. 20,000. If he does not pay the fine he will spend a further period of 1 month in prison. The daman amount shall remain the same however if he defaults to pay the daman amount he will have to spend another 15 days in prison.

4. The appeal stands dismissed with the above modification to the sentence.

JUDGE