

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Jail Appeal No. 638 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGES

1. For hearing of case
2. For hearing of MA No.12669/2021

17-03-2023

Mr. Ajab Khan Khattak, Advocate for appellant
Mr. Talib Ali Memon, A.P.G.

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Omar Sial, J: Sabz Ali the appellant herein along with one Sanaullah and Abdul Khanan were convicted for offences under section 395 P.P.C. and sentenced to prison for an 8 year term along with directions to pay Rs.100,000 fine or spend a further one year in prison.

2. The learned counsel submits that the family of the appellant has suffered enormous financial distress as a consequence of the appellant's incarceration. The appellant is remorseful and while now wanting to spend a respectable life with his family has thrown himself on the mercy of this court to treat the sentence which he has spent in jail as his final sentence.

3. A jail roll was called and the Senior Superintendent of Central Prison reported that till 12.10.2022, the appellant had undergone 6 years, 11 months and 27 days of his sentence. That means that till now the appellant has gone through 7 years and nearly 5 months of his 8 year sentence. In view of the reasons given by the appellant to show a lenient view and further as his conduct in prison has been satisfactory, the learned APG does not have an objection if the sentence is reduced to the one already undergone. Consequently, taking a lenient view the appeal is dismissed however the sentence is modified as follows:

4. The appellant's sentence for committing an offence under section 395 P.P.C. is reduced from 8 to 7 years. He will still be liable to pay the fine

of Rs. 100,000 and if he does not his sentence in lieu of the fine will be 6 months. The appellant may be released on completion of the above sentence.

JUDGE