

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Criminal Appeal No.S-267 of 2018

Appellants: Manzoor, Abdul Rehman Gul, Sawan @ Daro, Inayat, Abdul Razzak, Saddam and Aziz present on bail through Mir Murtaza Abro, advocate.

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

Date of hearing: 17.05.2023.

Date of Decision: 17.05.2023.

ORDER

AMJAD ALI SAHITO, J. Through this Criminal Appeal, the appellants has challenged the judgment dated 27.11.2018, passed by learned Additional Sessions Judge-I, Umerkot in Special Case No.03 of 2017 whereby the appellants were convicted for the offence under section 3 of Illegal Dispossession Act, 2005 and sentenced them to suffer R.I for one year and fine of Rs.30,000/- each; out of which Rs.20,000/- per head will be paid to the complainant as compensation u/s 544-A Cr.P.C; in default whereof, to suffer S.I for three months more.

2. Learned counsel for the appellants, at the very outset, has stated that though he has good case on merits; however, he states that the appellants have remained in Jail for sufficient period and are being dragged in the instant case since 2017 and the possession of land is also with the complainant; as such, he does not wish to contest this Criminal Appeal and leave the appellants at the mercy of the Court. He states that if this Court while maintaining the conviction reduces the sentence to one they have already undergone, he would not press the Criminal Appeal.

3. Learned Assistant Prosecutor General, Sindh appearing for the State has opposed the acquittal of appellants. However, she does not oppose if a lenient view is taken against the appellants by dismissing the appeal treating the sentence to one as already undergone.

4. I have heard the learned counsel for the appellants, learned A.P.G. for the State and have gone through the record. It appears that this criminal appeal is pending before this Court since 2018 and the matter pertains to the year 2017. The appellants after their conviction and sentences have remained in jail and learnt the lesson as they have undergone for sufficient period of the sentence and about six years have been passed but they are still facing the proceedings in the instant crime. More so, these proceedings were started on the possession of land and now the possession is also lying with the complainant. Consequently, while taking a leniency, instant Criminal Appeal is **dismissed** but with modification that the sentence including fine amount is reduced to the one as already undergone. The appellants are present on bail. Their bail bonds stand cancelled and surety [-ies] discharged. The office shall return surety papers to the surety after proper verification and identification as per rules.

5. Instant Criminal Appeal is dismissed with above modification.

JUDGE