

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Criminal Appeal No.S-366 of 2010

Appellant: Nazeer Ahmed (present on bail) through M/s. Syed Jan Muhammad Bukhari and Muhammad Hussain Laghari, Advocates.

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

Date of hearing: 08.05.2023.

Date of Decision: 08.05.2023.

ORDER

AMJAD ALI SAHITO, J. Through this Criminal Appeal, the appellant has challenged the judgment dated 30.09.2010, passed by learned IIIrd Additional Sessions Judge, Shaheed Benazirabad in S.C No.241 of 2009 whereby the appellant was convicted and sentenced for the offence u/s 489-C PPC to suffer R.I for seven years and fine of Rs.100,000/-; in default whereof, to suffer S.I for six months more in crime No.09/2009 u/s 489-C PPC, registered at PS Railways Nawabshah. However, benefit of section 382-B Cr.P.C. was extended to the appellant.

2. Learned counsel for the appellant, at the very outset, has stated that though he has good case on merits; however, he states that the appellant has remained in Jail for sufficient period and is being dragged in the instant case since 2009; as such, he does not wish to contest this Criminal Appeal and leave the appellant at the mercy of the Court. He 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. Learned Assistant Prosecutor General, Sindh appearing for the State has opposed the acquittal of appellant. However, she does not oppose if a lenient view is taken against the appellant by dismissing the appeal treating the sentence to one as already undergone.

4. I have heard the learned counsel for the appellant, 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 2010 and the matter pertains to the year 2009. The appellant has remained in jail and learnt the lesson as he has undergone for sufficient period of the sentence and about fourteen years have been passed but he is still facing the proceedings in the instant crime. 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 appellant is present on bail. His bail bonds stand cancelled and surety 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