

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 110 of 2023

Appellant: Irfan Ali through Ms. Roop Mala Singh,
advocate

The State: Mr. Khadim Hussain Khuharo, Additional
Prosecutor General Sindh

Date of hearing: 08.08.2023

Date of judgment: 08.08.2023

J U D G M E N T

IRSHAD ALI SHAH, J- It is alleged that on arrest from the appellant was secured one pistol of 9mm bore and 08 pistols of 30 bore, all unlicensed by police party of PS Orangi Town Karachi, for that he was booked and reported upon. On conclusion of trial, he was convicted under Section 23(1)(a) r/w Section 24 of Sindh Arms Ordinance, 2013 and sentenced to undergo rigorous imprisonment for 05 years and to pay fine of Rs.10,000/- and in default in payment whereof to undergo simple imprisonment for 15 days with benefit of Section 382(b) Cr.P.C by learned VIth-Additional Sessions Karachi West vide judgment dated 25.01.2023 which he has impugned before this Court by preferring the instant CrI. Jail Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that the appellant as per jail roll inclusive of remission has already undergone 04 years, 04 months and 08 days of the imprisonment, therefore, under instructions she would not press the disposal of the instant Criminal Jail Appeal before this Court on merits, provided sentence awarded to the appellant is reduced to one, which he has already undergone, which is opposed by learned Addl. PG for the State by stating that the recovery of unlicensed weapons is huge one.

3. Heard arguments and perused the record.

4. Appellant is young man of 27 years of the age, said to be sole bread earner of his family by not pressing disposal of his appeal on merits he has shown remorse as such there is likelihood of his reformation. By considering all these factors as mitigating circumstances, the sentence awarded to the appellant for the above offence is reduced to one which he has already undergone, which includes the sentence, which he is likely to undergo on account of his failure to make payment of fine.

5. The instant Criminal Jail Appeal is disposed subject to above modification.

JUDGE