

Judgment Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Jail Appeal No. 48 of 2019
(Asaduddin @ Lahoti v. The State)

Date	Order with signature of Judge
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1. For orders on MA No.778/2019
2. For hearing of case
3. For orders on MA No.779/2019

15.08.2023

Mr. Iftikhar Ahmed Shah, advocate for the appellant
Mr. Muhammad Anwar Mahar, DDPP

J U D G M E N T

IRSHAD ALI SHAH, J- It is alleged that the appellant with rest of the culprits during course of robbery committed murder of Muhammad Sarwar by causing him fire shot injuries, for that the present case was registered. On conclusion of trial, he was convicted u/s. 302(b) PPC and sentenced to undergo rigorous imprisonment for life and to pay fine of Rs.100,000/-; he was further convicted under Section 392(b) PPC and sentenced to undergo rigorous imprisonment for 05 years and to pay fine of Rs.25000/-; on account his failure to make payment of fine he was ordered to undergo simple imprisonment for 01 years; both the sentences were directed to run concurrently with benefit of Section 382(b) Cr.P.C by learned IXth - Additional Sessions Judge Karachi South vide judgment dated 20.12.2018 which he has impugned before this Court by preferring the instant appeal from jail.

2. At the very outset, it is stated by learned counsel for the appellant that the appellant is at the verge of completion of his jail terms, therefore, under instructions he would not press the disposal of the instant Crl. Jail Appeal before this Court on merits, provided simple imprisonment of 01 year, which the appellant is likely to undergo on account of his failure to make payment of fine is reduced to simple imprisonment for 01 month, which is not opposed by learned DDPP.

3. Heard arguments and perused record.

4. The appellant is a young man of 44 years of age; he is 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; therefore, the simple Imprisonment of 01 year which he is likely to undergo on account of his failure to make payment of fine is reduced to simple imprisonment for 01 month with benefit of Section 382(b) Cr.P.C.

5. Subject to above modification, the instant Crl. Jail Appeal is disposed of.

JUDGE