

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Appeal No. 359 of 2023

Appellant: Hamza through Mr. Hashmat Khalid, advocate
The State: Mr. Siraj Ali Khan Chandio, Additional Prosecutor
General for the State
Date of hearing: 18.08.2023
Date of judgment: 18.08.2023

J U D G M E N T

IRSHAD ALI SHAH, J- On arrest from the appellant, it is alleged was secured unlicensed pistol of 30 bore with magazine containing 09 bullets of same bore, for that he was booked and reported upon by police. On conclusion of trial, he was convicted under Section 24 of Sindh Arms Act, 2013, and sentenced to undergo rigorous imprisonment for six years with fine of Rs.20000/- and in default whereof to undergo simple imprisonment for three months with benefit of section 382(b) Cr.P.C by learned XIIth-Assistant Sessions Judge, Karachi West vide judgment dated 16.06.2023, which he has impugned before this Court by preferring the instant appeal.

2. At the very outset, it is stated by learned counsel for the appellant that as per jail roll, inclusive of remission, the appellant has already undergone 04 years 07 months and 25 days of sentence, therefore, under instructions he would not press the disposal of the instant Criminal Appeal before this Court on merits, provided the sentence awarded to the appellant is reduced to one, which he has already undergone, which is not opposed by learned Addl. PG for the State.

3. Heard arguments and perused the record.

4. The appellant is young man of 21 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 it includes the sentence which he is likely to undergo on account of his failure to make payment of fine.

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

JUDGE