

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 410 of 2022

Appellant: Muhammad Kashif through Mr. Jamil Ahmed Khoso,
advocate

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

Date of hearing: 21.08.2023
Date of judgment: 21.08.2023

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 03 live bullets of same bore by police party of Korangi Industrial Area Karachi, which he allegedly used for committing robbery, for that he was booked and reported upon by police. On conclusion of trial, he was convicted under Section 23(1)(A) of Sindh Arms Act, 2013, and sentenced to undergo rigorous imprisonment for five years with fine of Rs.10000/- and in default whereof to undergo simple imprisonment for six months with benefit of section 382(b) Cr.P.C by learned XIIth-Assistant Sessions Judge, Karachi East vide judgment dated 11.04.2022, 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 inclusive of remission, the appellant has already undergone 01 year 10 months and 08 days of sentence, therefore, under instructions he would not press the disposal of the instant Criminal Jail 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 30 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 Jail Appeal is disposed of subject to above modification.

JUDGE