

# IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 551 of 2022

Appellant: Muhammad Juman through Mr. M. Qayyum Qadri,  
advocate

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

Date of hearing: 24.08.2023  
Date of judgment: 24.08.2023

## J U D G M E N T

**IRSHAD ALI SHAH, J-** It is alleged that on arrest the appellant led to recovery of DBBL shotgun with live two cartridges which he used for committing murder of Ali Anwar @ Ponhoon, for that he was booked and reported upon. On conclusion of trial, he was convicted under Section 23(1)(a) r/w Section 25 of the Sindh Arms Act, 2013, and sentenced to undergo rigorous imprisonment for five years and to pay fine of Rs.5,000/- and in default whereof to undergo simple imprisonment for two months with benefit of section 382(b) Cr.P.C by learned Ist-Additional Sessions Judge (MCTC) Thatta vide judgment dated 07.09.2022, which he has impugned before this Court by preferring the instant Criminal Jail Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that inclusive of remission, the appellant has already undergone 04 year 10 months and 22 days of the 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 for the said offence 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 at the verge of completion of his jail term in present case. By not pressing the disposal of his appeal on merits he has shown remorse. 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