

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Cr. Appeal No.S-192 of 2023

Date of hearings: 10.09.2024.

Date of decision: 10.09.2024

Appellant: Sarwer
Through Syed Shafique Ahmed Shah advocate.

The State: Through Ms. Rameshan Oad, A.P.G.

J U D G M E N T

ZULFIQAR ALI SANGI, J.- The appellant has impugned his conviction and sentence awarded to him vide judgment dated 27.11.2023 passed by learned Sessions Judge, Tando Allahyar in Sessions Case No. 503/2023, Crime No.49/2023, U/S 23(1)(a) of Sindh Arms Act, 2013, PS Dassori.

2. Learned counsel for the appellant after arguing the case has submitted that appellant is the first offenders and is the only bread earners for his family; that he would not press the appeal on merits if by taking a lenient view his sentence is reduced to the period already undergone by him.

3. Learned Assistant PG has recorded no objection to this proposal.

4. I have heard the parties and perused material available on record. I am of the view that the conviction of the appellant is based on cogent reasons. As per jail roll called from the Senior Superintendent Central Prison C.F. Mirpurkhas, appellant has served out sentence of 01 year and 19 days and earned remission of 01 year 11 months and 10 days **in total he has served sentence of 02 years 11 months and 29 days** which shows that the appellant has been sufficiently punished. The appellant is first offenders. No past criminal history against him is placed on record before the trial Court nor this Court.

5. Consequently, the conviction is maintained, however, the sentence awarded to the appellant by the Trial Court is reduced to one which the appellant has already undergone including the fine. Appellant is in jail. He shall be released forthwith if not required in any other case.

6. The appeal in hand is disposed of in the terms as stated above.

JUDGE

Ali Haider