

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

Cr. Appeal No.S-38 of 2023

Date of hearings: 12.09.2024.
Date of decision: 12.09.2024.
Appellant: Asif Ali (present on bail).
Through Mr. Muhammad Asif Shaikh advocate.
The State: Through Ms. Sana Memon, APG.

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 22.02.2023 passed by learned IX-Additional Sessions Judge Hyderabad in Sessions Case No.188/2022, Crime No.122/2021, U/S 23-1(a) Sindh Arms Act, 2013, PS Tando Yousuf, Hyderabad.

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 / Officer Incharge Central Prison Correctional Facility Hyderabad, appellant has served out sentence of 01 month and 23 days and earned remission of 06 months and 07 days **in total he has served sentence of 08 months** 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 on bail. His bail bond stand cancelled and surety discharged.

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

JUDGE

