

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

Cr. Appeal No.S-342 of 2019

Date of hearings: 24.09.2024  
Date of decision: 24.09.2024  
Appellant: Ali Akbar  
Through Mr. Ashfaque Ahmed Lanjar advocate.  
Complainant: Through Mr. G.M. Laghari 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 16.10.2019 passed by learned Additional Sessions Judge-I Tando Muhammad Khan in Sessions Case No.37/2019, Crime No.41/2019, U/S 364, 376, 344, 34 PPC, PS Abadgar. The appellant was convicted and sentenced to imprisonment for 05 years and to pay fine of Rs.10,000/-.

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 and counsel for complainant have recorded no objection to this proposal.

4. I have heard the parties and perused material available on record. After re-assessment of the evidence produced by the prosecution, 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 08 months and 29 days and earned remission of 04 months and 06 days **in total he has served sentence of 01 year 01 month and 05 days** which shows that the appellant has been sufficiently punished. The appellant is first offender. 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 sentences awarded to the appellant by the Trial Court is reduced to one which the

appellant has already undergone including the fine. He is on bail, his bail bond is cancelled and surety discharged.

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

JUDGE

Ali Haider