

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

Cr. Appeal No.S-206 of 2022

Date of hearings: 24.09.2024

Date of decision: 24.09.2024

Appellant: Zainullah Khan
Through Mr. Ahmed Nawaz Chang advocate.

The State: Through Mr. Nazar Muhammad Memon, Addl.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 28.11.2022 passed by learned Sessions Judge Tando Allahyar in Sessions Case No.357/2022, Crime No.70/2022, U/S 8-1 of Sindh PPMSS & Use of Ghutka Mainpuri Act, 2019, PS Bukera Sharif. The appellant was convicted and sentenced to imprisonment for three years and to pay fine of Rs.200000/-, in default of payment further to undergo for four months.

2. Learned counsel for the appellant after arguing the case has submitted that appellant is the first offender and is the only bread earner 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. 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 Central Prison & C.F. Mirpurkhas appellant has served out sentence of 02 month and 21 days and earned remission of 02 months and 02 days **in total he has served sentence of 04 month and 23 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