

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

Cr. Appeal No.S-211 of 2021

Date of hearings: 24.09.2024

Date of decision: 24.09.2024

Appellant: Muhammad Shahzad and another
Through Mr. Shoukat Ali Kaka advocate.

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

J U D G M E N T

ZULFIQAR ALI SANGI, J.- The appellants have impugned their conviction and sentence awarded to them vide judgment dated 27.10.2021 passed by learned Additional Sessions Judge-II Tando Muhammad Khan in Sessions Case No.90/2021, Crime No.88/2021, U/S 4 R/W 8 of Sindh Prohibition of PMS Sale and Use of Gutka and Mainpuri Act, 2019, PS Tando Muhammad Khan. The appellants were convicted and sentenced to imprisonment for two years and to pay fine of Rs.2,00,000/- each, in default of payment further to undergo for three months each.

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

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 appellants is based on cogent reasons. As per jail roll called from the Superintendent / Officer Incharge Special Prison Correctional Facility Nara Hyderabad appellants have served out sentence of 02 month and 08 days and earned remission of 07 days **in total they have served sentence of 02 months and 15 days** which shows that the appellants have been sufficiently punished. The appellants are first offenders. No past criminal history against them is placed on record before the trial Court nor this Court.

5. Consequently, the conviction is maintained, however, the sentences awarded to the appellants by the Trial Court is reduced to one which the appellants have already undergone including the fine. They are on bail, their bail bonds are cancelled and surety discharged.

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

JUDGE