

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.
Special CrI. Jail Appeal No. D - 127 of 2019

Before:

Mr. Justice Irshad Ali Shah
Mr. Justice Zulfiqar Ali Sangi

Appellant: Saeed-ur-Rehman son of Abdul Rehman Yousifzai
Pathan, (Confined in Central prison Sukkur)
Through Mr. Shabbir Ali Bozdar, Advocate.

The State: Through Shafi Muhammad Mahar, Deputy, P.G.

Date of hearing: 15-02-2024.

Date of decision: 15-02-2024.

J U D G M E N T

IRSHAD ALI SHAH, J. The appellant is alleged to have been transporting 22 kilograms of the charas in shape of 22 packets duly kept in secrete cavity of his Car, for that he was booked and reported upon by Inspector Muhammad Younis Dhandhu of Excise PS Ubauro. On conclusion of trial, he was convicted u/s 9 (C) of CNS Act, 1997 and sentenced to undergo Rigorous Imprisonment for life and to pay fine of Rs. 300,000/-, (three lacs) and in default in payment whereof to undergo simple imprisonment for one year with benefit of section 382 (b) Cr.P.C by learned Ist Additional Sessions/Special Judge (CNS)/(MCTC), Ghotki vide judgment dated 17-06-2019, which he has impugned before this Court by preferring the instant Special CrI. Jail Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that in collusive of remission, the appellant has already undergone more than 20 years of the sentence; therefore, under instructions he would not press the disposal of instant Special CrI. Jail Appeal before this Court on merits, provided the sentence which the appellant is likely to undergo on account of his failure to make payment of fine is reduced to considerable extent, which is not opposed by learned DPG for the State.

3. Heard arguments and perused the record.
4. The appellant as per jail role is 54 years of the age; no criminal record against him has been brought on file; he is said to be sole bread earner of his family and by not pressing the disposal of his appeal on merits, he has shown remorse thus there is likelihood of his reformation. By considering all these factors as mitigating circumstances, the simple imprisonment for one year which the appellant is likely to undergo on account of his failure to make payment of fine is reduced to simple imprisonment for one month with benefit of section 382 (b) Cr.P.C.
5. The instant Special Crl. Jail Appeal is disposed of subject to above modification.

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