

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Jail Appeal No.S-106 of 2023

Appellant: Saddam Hussain son of Muhammad Soomar
by caste Lund **through** Mr. Muhammad Asif
Lolai, advocate.

The State: **Through** Mr. Aftab Ahmed Shar, Additional
Prosecutor General.

Date of hearing 18-03-2024.

Date of decision 18-03-2024.

J U D G M E N T

IRSHAD ALI SHAH, J. It is alleged that on arrest from the appellant has been secured an licensed SBBL gun of 12 bore, which he allegedly used for committing murder of his wife Mst. Sughar, for that he was booked and reported upon by the police. On conclusion of trial he was convicted under Section 24 of Sindh Arms Act, 2013 and sentenced to undergo Rigorous Imprisonment for seven years with fine of Rs. 30,000/- and in default in payment whereof to undergo simple imprisonment of three months with benefit of section 382 (b) Cr.P.C by learned IInd Additional Sessions Judge, Mirpur Mathelo vide judgment dated 19th September, 2023, which he has impugned before this Court by preferring the instant CrI. Jail Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that he would not press the disposal of instant CrI. Jail Appeal on merits provided the sentence awarded to the appellant is reduced to one which he has already undergone, which is not opposed by learned Additional P.G for the State.

3. Heard arguments and perused the record.

4. The appellant as per jail role in collusive of remission has already remained in jail for more than 06 years. By not pressing the disposal of his appeal, he has shown remorse, thus there is likelihood of his reformation. By considering these factors as mitigating circumstances, the sentence awarded to the appellant for the said offence is reduced to one which he has already undergone, it includes the sentence which he is likely to undergo on account of his failure to pay fine.

5. The instant Criminal Jail Appeal subject to above modification is dismissed accordingly.

J U D G E

Nasim/P.A