

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Jail Appeal No.S-134 of 2023

Appellant: Jinsar Ali son of Illimdin by caste Lund
through Mr. Rukhsar Ahmed Junejo, advocate.

The State: **Through** Mr. Shafi Muhammad Mahar,
Deputy Prosecutor General.

Date of hearing 02-04-2024.

Date of decision 02-04-2024.

J U D G M E N T

IRSHAD ALI SHAH, J. It is alleged that on arrest from the appellant was secured unlicensed repeater gun with live cartridges by police party of PS Setharja led by ASI Naseer Ahmed, for that he was booked and reported upon by the police. On conclusion of trial he was convicted under Section 23(i)(a) of Sindh Arms Act, 2013 and sentenced to undergo Rigorous Imprisonment for five years and to pay fine of Rupees 30,000/- and in default in payment whereof to undergo simple imprisonment of six months with benefit of section 382 (b) Cr.P.C by learned Additional Sessions Judge, Mirwah vide judgment dated 7th November 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 Deputy P.G for the State.

3. Heard arguments and perused the record.

4. The appellant as per jail role in collusive of remission has remained in jail for about 31 months; he is said to be sole bread earner of his family and no criminal record against him has been brought on file. By not pressing the disposal of his appeal on merits, 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