

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Special Criminal Appeal No.D-271 of 2019

Present;

Irshad Ali Shah,J
Zulfiqar Ali Sangi,J

Appellants: 1. Mir Hassan son of Moula Bakhsh Lashari, 2. Naseer Ahmed @ Ayub son of Laung Rind and 3. Ahsan Ali son of Nawab Khan Chandio (Confined at Central Prison Sukkur, **through** Mr. Rukhsar Ahmed Junejo, advocate.

The State: **Through** Mr. Muhammad Farooq Ali Jatoi, Special Prosecutor ANF.

Date of hearing 17-04-2024.

Date of decision 17-04-2024.

J U D G M E N T

IRSHAD ALI SHAH, J. It is the case of the prosecution that the appellants were found in possession/transporting 392 kilograms of the charas through their Truck, for that they were booked and reported upon by ANF Police Sukkur. On conclusion of trial, they were convicted u/s 9 (c) of CNS Act, 1997 and sentenced to undergo Imprisonment for life and to pay fine of Rs.100,000/-, (One lac) each and in default in payment whereof to undergo simple imprisonment for one year, with benefit of section 382(b) Cr.P.C by learned IIIrd Additional Sessions Judge (MCTC-II)/ Special Judge (CNS), Sukkur vide judgment dated 24-10-2019, which they have impugned before this Court by preferring the instant Special Criminal Appeal.

2. At the very outset, it is stated by learned counsel for the appellants that in collusive of the remission, the appellants have already remained in jail for more than 20 years; therefore, under instructions he would not press the disposal of instant Special Crl. Appeal before this Court on

merits, provided the sentence which the appellants are likely to undergo on account of their failure to make payment of fine is reduced to considerable extent, which is not opposed by learned Special Prosecutor ANF Sukkur.

3. Heard arguments and perused the record.

4. No criminal record against the appellants has been brought on file; they are said to be sole bread earner of their respective families and by not pressing the disposal of their appeal on merits, they have shown remorse, thus there is likelihood of their reformation. By considering all these factors as mitigating circumstances, the simple imprisonment for one year which the appellants are likely to undergo on account of their 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. Appeal subject to above modification is dismissed as not pressed.

Judge

Judge