

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 624 of 2023

Appellant: Mehmood Raza through Mr. Muhammad Shafique Gopang, advocate

The State: Mr. Muhammad Anwar Mahar, DDPP for the State

Date of hearing: 02.05.2024

Date of judgment: 02.05.2024

J U D G M E N T

IRSHAD ALI SHAH, J- It is alleged that the appellant with the rest of the culprits robbed complainant Muhammad Hashim of his cell phone, cash and other belongings, for that he was booked and reported upon by the police. On the conclusion of the trial, he was convinced u/s 397 PPC and sentenced to undergo rigorous imprisonment for seven years and to pay a fine of Rs.10,000/- and in default in payment whereof to undergo simple imprisonment for 30 days with the benefit of Section 382(b) Cr.PC by learned Vth-Additional Sessions Judge Karachi South vide judgment dated 08.11.2023 which he has impugned before this Court by preferring the instant Criminal Jail Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that he would not press the disposal of the instant Criminal Jail Appeal before this Court on merits, provided the sentence awarded to the appellant is reduced to three years by modifying the penal section, which is not opposed by learned DDPP for the State.

3. Heard arguments and perused the record.

4. Apparently, the weapon which the appellant was having at the time of the incident was not used by him, therefore, it was a case for simple robbery punishable u/s 392 PPC, therefore, modifying his conviction u/s 397 PPC with one u/s 392 PPC, it is reduced to three years with a fine of Rs.10,000/- and in default in payment whereof he would undergo simple imprisonment for one month with the benefit of Section 382(b) Cr. PC.

5. Subject to the above modification, the instant Criminal Jail Appeal is dismissed as not pressed.

JUDGE