

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Cr. Appeal No.S-107 of 2023

Date of hearings: 04.10.2024
Date of decision: 04.10.2024
Appellant: Shahbaz
Through Mr. Babar Ali Panhwar advocate.
The State: Mr. Shawak Rathore, D.P.G.

J U D G M E N T

ZULFIQAR ALI SANGI, J.- The appellant has impugned his conviction and sentence awarded to him vide judgment dated 30.05.2023 passed by learned Sessions Judge Jamshoro in Sessions Case No.427/2022, Crime No.86/2022, U/S 395, 458, 109 PPC, PS Kotri. The appellant was convicted and sentenced u/s 395 PPC to RI for 7 years and to pay fine of Rs.200,000/-, in default of payment further to undergo for six months. He was also convicted and sentenced u/s 458 PPC to RI for 7 years and to pay fine of Rs.100,000/-, in default of payment further to undergo for six months.

2. Learned counsel for the appellant after arguing the case has submitted that appellant is the first offender and is the only bread earner for his family; that he would not press the appeal on merits if by taking a lenient view his sentence is reduced to the period already undergone by him.

3. Learned DPG has recorded no objection to this proposal.

4. I have heard the parties and perused material available on record. After re-assessment of the evidence produced by the prosecution, I am of the view that the conviction of the appellant is based on cogent reasons. As per jail roll called from the Senior Superintendent /Officer Incharge Central Prison Correctional Facility Hyderabad appellant has served out sentence of 01 year 09 months and 12 days and earned remission of 01 year 02 months and 12 days **in total he has served sentence of 02 years 11 month and 24 days** which shows that the appellant has been sufficiently punished. The appellant is first offender. No past criminal history against him is placed on record before the trial Court nor this Court.

5. Consequently, the conviction is maintained, however, the sentences awarded to the appellant by the Trial Court is reduced to one which the appellant has already undergone including the fine. He is in custody. He shall be released forth with if not required in any other case.

6. The appeal in hand is disposed of in the terms as stated above.

JUDGE

Ali Haider

