

**JUDGMENT SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

**Cr. Appeal No.464 of 2024**

Appellant: Abdullah through Mr. Zafar Ahmed Advocate.

Respondent: The State through Ms. Rubina Qadir, DPG.

**Cr. Appeal No.465 of 2024**

Appellant: Umar through Mr. Zafar Ahmed Advocate.

Respondent: The State through Ms. Rubina Qadir, DPG.

**26.11.2024.**

**JUDGMENT**

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**Muhammad Iqbal Kalhoro, J.** Appellants Abdullah and Umar were arrested by police of P.S KIA Karachi from an empty plot near Jalal Chowk, Mehran Town, 6-E, KIA Karachi on 19.02.2023 at 0630 hours. From appellant Abdullah an unlicensed 32 bore pistol with three live bullets was recovered whereas from appellant Umar, an unlicensed pistol of 32 bore with four live bullets was recovered. Accordingly, they were booked in two separate FIRs bearing Crime No.265/2023 and 267/2023 u/s 23(i) A, of Sindh Arms Act, 2013.

2. Appellants were tried against the same allegations and have been convicted U/s 23, Sindh Arms Act, 2013 to suffer R.I. for 07 years with fine of Rs.20,000/-, in default to suffer R.I. for 02 months more. Benefit under section 382-B Cr.P.C has been extended to them. By means of these appeals, the appellants have challenged their conviction and sentence as stated above.

3. Learned defence counsel at the very outset submits that the appellants are the first offenders and have remained in jail for a sufficient time, therefore, the period already undergone by them in jail may be treated as their sentence and they may be released. He further submits that there are certain discrepancies in the prosecution case which are sufficient for reduction of sentence.

4. Learned Deputy Prosecutor General has not opposed this proposal and has conceded that the appellants are not a previous convict.

5. I have heard learned counsel for the parties and perused the material available on record. In the trial, the prosecution has examined three witnesses in each case, who have supported the prosecution case that appellants were arrested on the spot and from them an unlicensed pistol loaded with live rounds each was recovered. However it is noted that they have remained in jail for considerable period. Further no record has been produced to show that the appellants are previous convict. Their counsel has stated that they are regretful of what went wrong in the past and have improved themselves. The jail roll of appellant Abdullah dated 18.09.2024 reflects that he has served a sentence of 03 years, 10 months and 10 days including remission, whereas appellant Umar served his sentence of 01 year, 03 months and 17 days. The punishment u/s 23 of Sindh Arms Act, 2013 is upto 14 years and fine. In such circumstances, I see no impediment legal or otherwise in acceding to the request of learned defence counsel for reduction of the sentence of the appellants.

6. In view of above, conviction of the appellants u/s 23 (i) A, of the Sindh Arms Act, 2013 is maintained, but their sentence is reduced to the period already undergone by them. Fine of Rs.20,000/- is maintained and in case of default, the appellants will have to undergo a period of two months as determined by the trial court.

The appeals in the terms as stated above stand disposed of alongwith pending applications.

Office to place a copy of this judgment in connected appeal.

Judge

A.K.