

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Cr. Appeal No.606 of 2018

Date: Order with signature(s) of the Judge(s)

For Hearing of Main Case.

05th April, 2021.

Appellant present in person.
Mr. Siraj Ali Khan Chandio, Addl. P.G.

Appellant/accused has challenged the impugned judgment dated 13.09.2021 passed by learned VII-Additional Sessions Judge, Karachi Central in Sessions Case No.904 of 2016 arising out of FIR No.144/2016, registered under sections 23(i) A, Sindh Arms Act 2013 (SAA, 2013) at PS Super Market Karachi whereby the appellant was convicted under Section 265-H(ii) Cr.P.C and sentenced for two years R.I with fine of Rs.10,000/- (Rupees Ten Thousand Only). In default of fine, the accused will undergo one month more S.I. However, keeping in view the perception of law, learned trial court instead of sentencing the accused and forwarding him to jail, prefer to release him on probation subject to verification report is received in positive by the probation officer and place the accused under supervision of Probation Officer for a period of one [01] year.

2. Precisely the relevant facts is that on 02.10.2016 ASI-Rana Khadim Husain of PS Super Market alongwith other police officials reached at Main S.M. Taufeeq Road, inside Maiyat Bus Service, C-1 Area, Liaquatabad, Karachi at 1300 hours where apprehended the accused and others. From personal search of accused, ASI-recovered an unlicensed pistol, loaded magazine containing two live bullets. Consequently, the FIR was registered.

3. After usual investigation, challan was submitted and accused was sent up to face the trial.

4. Charge was framed to which accused did not plead guilty and claimed to be tried.

5. In order to prove its case, prosecution examined as many as three witnesses. Thereafter, prosecution side was closed.

6. Statement of appellant/accused under section 342, Cr.P.C. was recorded wherein he denied the allegations leveled against him by the prosecution. He neither examined himself on Oath under Section 340(2) Cr.P.C nor adduced any evidence in his defence.

7. Thereafter, learned trial Court after hearing the learned counsel for respective parties, convicted and sentenced appellant as mentioned above. Appellant being aggrieved and dissatisfied with the judgment has filed the instant appeal.

8. Heard and perused the record.

9. Admittedly appellant was remained behind the bar for one year. Thereafter he was released on probation while furnishing of surety of Rs.50,000/-. Yet he is on probation and has not violated any term and condition of release on probation, hence purpose of order has been succeeded and meets the ends of justice. Accordingly, instant Cr. Appeal is disposed of. This order shall not come in the way of impugned judgment, Appellant at any other fora if he is involved in any other criminal case in future. Accordingly, surety is discharged.

JUDGE

M.Zeeshan