

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Appeal No.D-30 of 2012

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DATE OF
HEARING
03.9.2018.

ORDER WITH SIGNATURE OF JUDGE

1. For hearing of Appln. u/s 426, Cr.P.C on M.A. No.754/12.
2. For hearing of Appln. u/s 426, Cr.P.C on M.A. No.589/14.
3. For hearing of case.

Mr. Habibullah G. Ghouri, advocate for the appellants.

Mr. Khadim Hussain Khooharo, Addl. P.G.

Mr. Safdar Ali G. Bhutto, advocate for the complainant.

The captioned appeal has been filed by appellants Ali Dino alias Allan son of Misri Khan Aghani and Mohammad Uris alias Ghulam Nabi son of Liaquat Ali Aghani, against the judgment dated 12.03.2012, passed by the learned VII-Additional Sessions Judge, Larkana, in Sessions Case No.220/2003 re-State v. Mohammad Rafique Aghani & others, arisen out of Crime No.75/2002, registered at Police Station Mahota, District Larkana, for offence under Sections 302, 324, 148, 149, PPC, whereby the appellants were convicted for offence under Section 302(b), PPC and sentenced to suffer imprisonment for life and to pay fine of Rs.200,000/- each, in default thereof to suffer R.I. for six months more and the amount of fine, if recovered, was to be given to the legal heirs of deceased as compensation u/s 544-A, Cr.P.C. The appellants were, however, awarded benefit of Section 382-B, Cr.P.C.

The learned Counsel for the appellants at the very outset does not press this appeal on merits and while referring Rule 140 of the Prison Rules, 1978, states that the appellants, who were awarded life imprisonment, have already undergone a minimum period of 15 years



as substantive imprisonment, therefore, their sentence may be reduced from life imprisonment to the sentence already undergone. 118

Learned Counsel for the complainant, under instructions, records no objection to the above proposition of learned Counsel for the appellants. So also, the learned Addl. P.G has no objection.

It appears from the jail roll dated 07.4.2018 that both the appellants have served out sentence of almost 15 years and 08 months without remissions and with remissions 20 years and 05 months. Rule 140 (*ibid*) defines imprisonment for life as 25 years rigorous imprisonment, which also provides that every lifer prisoner should undergo a minimum of 15 years substantive imprisonment, which in the case in hand the appellants have already served out. Hence, we dismiss this appeal; however, modify the sentence awarded to the appellants from life imprisonment to the sentence already undergone by them. The appellants are in custody. They shall be released forthwith, if not required to be detained in any other case.


JUDGE


JUDGE

For Directions

- For orders on office note -
- notice served to both Counsel -

Qazi Tahir PA*