

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Present:

Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Muhammad Saleem Jessar.

Criminal Jail Appeal No.D-22 of 2020

Appellant: Zafar alias Iqbal through Mian Taj  
Muhammad Keerio, Advocate.

Respondent: The State through Mr. Fayaz  
Hussain Saabki Assistant Prosecutor  
General Sindh.

Date of hearing: 02.11.2022.

Date of Decision: 02.11.2022.

**J U D G M E N T**

Through this Criminal Appeal, the appellant has challenged the judgment dated 29.01.2020, passed by learned Additional Sessions Judge-I/MCTC, Umerkot in Special Case No.01 of 2020, Crime No.143 of 2019 registered at PS Kunri for the offence under section 9 (b) CNS Act, 1997, whereby the appellant was convicted and sentenced for the offence u/s 9-B CNS Act, 1997 for possessing 550 grams of charas to undergo R.I. for one year and six months with fine of Rs.11,000/- and in case of default to undergo S.I. for four months more. However, the benefit of section 382-B Cr.P.C. was extended to the appellant.

**2.** Appellant, who is on bail, but he is in custody in other case, at the very outset, has stated that he has remained in Jail for sufficient period and is confined behind the bars in the instant case; as such, he does not wish to contest this Criminal Appeal and leaves himself at the mercy of the Court. He states that if this Court while maintaining the conviction reduces the sentence to the one he has already undergone, he would not press the Criminal Appeal.

**3.** On the other hand, learned A.P.G. Sindh concedes that the appellant has remained behind the bars for sufficient

period and learnt the lesson, therefore, he has no objection if a lenient view is taken against him by dismissing the instant Criminal Appeal and treating the sentence to one as already undergone by him.

**4.** We have heard the appellant in person, learned A.P.G. for the State and have gone through the record. The witnesses have supported each other on all salient features of the case and there appears to be no worthwhile contradictions. However, the offence pertains to the year 2019. The punishment awarded to the appellant is only 01 ½ year and the appellant has learnt the lesson as he has undergone sufficient period of his sentence i.e. 04 months and 22 days and is still facing the proceedings since 2019, therefore, there is no legal impediment in accepting request of learned counsel for the appellant. Consequently, while taking leniency, instant Criminal Appeal is dismissed but with the reduction of his sentence to one as already undergone by the appellant excluding fine amount. In view of the above position, the office is directed to issue a release writ for the appellant as he is in custody and shall be released on payment of fine if not required in any other custody case. His bail bonds stand cancelled and surety discharged.

**5.** Instant Criminal Appeal is **dismissed** with the above modification.

**JUDGE**

**JUDGE**