

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD.

Present:

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

Criminal Appeal No.D-32 of 2022

Appellant: Bilawal @ Billu through M/s.
Muzamil Khan Bughio and Asif Ali
Bughio, Advocates.

Respondent: The State through Shahzado Saleem
Nahiyon, Assistant Prosecutor
General Sindh.

Date of hearing: 14.12.2022.

Date of Decision: 14.12.2022.

JUDGMENT

Through this Criminal Appeal, appellant has challenged judgment dated 17.03.2022, passed by learned Special Judge Control of Narcotics Substance/MCTC-II/IVth Additional Sessions Judge, Hyderabad in Special Case No.218 of 2021, Crime No.232 of 2021 registered at PS Hali Road, Hyderabad, for the offence under section 9 (c) CNS Act, 1997, whereby the appellant was convicted and sentenced for the offence u/s 9 (c) CNS Act, 1997 for possessing 1130 grams of charas to undergo two years with fine of Rs.10,000/- and in case of default to undergo S.I. for one month more. However, the benefit of section 382-B Cr.P.C. was extended to the appellant.

2. Learned counsel for the appellant, at the very outset, has stated that appellant has remained in Jail for sufficient period and still is being dragged in the instant case; as such he does not wish to contest this Criminal Appeal and leave the appellant 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 the one as already undergone.

4. We have heard the learned counsel for the appellant, 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. The offence pertains to the year 2021. The punishment awarded to the appellant is only two years. As per Jail Roll, the appellant has undergone sufficient period of his sentence i.e. 08 months and five days including remission as such he has learnt the lesson. Appellant is first offender as there is no record of his previous involvement in any criminal case, therefore, there is no legal impediment in accepting request of learned counsel for the appellant in such circumstances. Consequently, while taking lenient view, instant Criminal Appeal is dismissed but with the reduction of sentence of appellant to the period as already undergone by him and the fine amount is reduced from Rs.10000/- to Rs.5000/- which the appellant has deposited with the Accountant of this Court and placed on record such receipt. Appellant is present on bail, his bail bonds stand cancelled and surety discharged.

5. Instant Criminal Appeal is **dismissed** with the above modification. Office is directed to deposit amount of fine Rs.5000/- in government treasury.

JUDGE

JUDGE