

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-35 of 2021

Appellant: Muhammad Rehman present in person having been produced in custody.

Respondent: The State through Shahzad Saleem Nahiyan, Assistant Prosecutor General Sindh.

Date of hearing: 13.12.2022.

Date of Decision: 13.12.2022.

**JUDGMENT**

Through this Criminal Jail Appeal, appellant has challenged judgment dated 10.12.2020, passed by learned Special Judge (CNS)/Sessions Judge, Jamshoro in Special Case No.66 of 2020, Crime No.190 of 2020 registered at PS Jamshoro 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 6000 grams of charas to undergo R.I. for 08 ½ years with fine of Rs.40,000/- and in case of default to undergo S.I. for seven months more. However, the benefit of section 382-B Cr.P.C. was extended to the appellant.

**2.** Appellant present in person, at the very outset, has stated that he has remained in Jail for sufficient period and does not wish to contest this Criminal Jail 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 Jail 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 Jail Appeal and treating the sentence to the one as already undergone.

**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. It is clear that prosecution has proved its case against appellant beyond a reasonable doubt. The punishment awarded to the appellant is 08 ½ years out of which he has undergone sufficient period of his sentence i.e. 07 years, 01 months and 11 day including remission as such he has learnt the lesson. He is facing the proceedings since 2020. There is no legal impediment in accepting request of appellant in such circumstances. Consequently, while taking lenient view, instant Criminal Jail Appeal is dismissed but with the reduction of sentence of appellant to the period as already undergone by him including fine amount. In view of above, office is directed to issue release writ of the appellant to concerned Jail authorities with direction to release the appellant if he is not required in any other custody case.

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

**JUDGE**

**JUDGE**