

IN THE HIGH COURT OF SINDH, KARACHI

Present:

Mr. Justice Mohammad Karim Khan Agha

CRIMINAL REVISION APPLICATION NO.288 OF 2021.

Applicant	Syed Nadeem Aftab Bukhari through Mr. Abdul Nabi Joyo, advocate.
Respondent	The State through Mr. Muhammad Iqbal Awan, Additional Prosecutor General Sindh and Mr. Mumtaz Ali Shah, Assistant Prosecutor General.
Date of Judgment	14.11.2024

JUDGMENT

Mohammad Karim Khan Agha, J. Applicant Syed Nadeem Aftab Bukhari son of Syed Bahawal Shah was tried in the Court of IInd Additional Sessions Judge Karachi East in CrI. Appeal No.58 of 2021 vide judgment dated 01.12.2021, whereby the applicant was convicted for one year. However, the benefit of section 382-B Cr.P.C. was extended to the applicant.

2. The brief facts of the prosecution case are that the accused dishonestly delivered four cheques (1)410295010 Rs.6,00,000/- (2) 410295011 of Rs.6,00,000/- (3) 40295012 Rs.2,00,000/- (4) 410295014 of Rs.4,00,000/- to the complainant towards re-payment of loan/obligation. The said cheques were presented into bank and returned due to insufficient funds, hence, the FIR was lodged against the applicant.

3. After usual investigation, the challan was submitted against the applicant / accused to which he pleaded not guilty and claimed trial.

4. The prosecution in order to prove its case examined in all 05-PWs and exhibited various documents and other items. The statement of accused was recorded under Section 342 Cr.P.C in which he denied the allegations levelled against him. However, the applicant did not give evidence on oath nor produce any DWs in support of his defence.

5. After hearing the parties and appreciating the evidence on record, the trial court convicted the applicant and sentenced him as set out earlier in this judgment; hence, the applicant has filed this appeal against his conviction.

6. The facts of the case as well as evidence produced before the trial court find an elaborate mention in the impugned judgment dated 01.12.2021 passed by the trial court, therefore, the same may not be reproduced here so as to avoid duplication and unnecessary repetition.

7. At the very outset, learned counsel for the applicant did not argue the case on merits and sought only reduction in sentence based on the following mitigating circumstances:-

- a) That the applicant is first time offender and capable for reformation.
- b) That the applicant had a large family to support.
- c) That by accepting his guilt he has shown genuine remorse.
- d) That the applicant had served out a major part of his sentence.

8. Based on these mitigating factors mentioned by the applicant, learned Additional Prosecutor General had no objection to the reduction in sentence to some reasonable extent.

9. I have gone through the evidence on record both are oral and documentary and find that that the prosecution has proved its case beyond a reasonable doubt against the applicant and as such his conviction is upheld.

10. With regard to sentence awarded to the applicant based on the mitigating circumstances mentioned above and no objection given by the learned Additional Prosecutor General for reducing the sentence, the sentence awarded to the applicant is reduced to one which he has already undergone in jail. The bailable warrants issued against the applicant are vacated. The applicant is present in Court on bail. His bail bonds are discharged and he is free to go.

11. This Crl. Revision Application stands disposed of in the above terms.

JUDGE