

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Appeal No.872 of 2025

Date	Order with signature(s) of Judge(s)
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1. For orders on office objection at 'A'
2. For hearing of main case
3. For orders on MA No.15778/2025

11.05.2026

Appellant has been produced by Jail Authorities
Mr. Mr. Rasheed Ahmed Gabol, APG alongwith SIP Shah Syed
Ansari and PC Muhammad Nadeem of Court Police

Muhammad Saleem Jessar, J: - This criminal appeal is directed against the impugned judgment dated 28.10.2025 passed by learned trial Court/IV Additional & Sessions Judge Karachi West in S.C No.1031 of 2023¹, arising out of Crime No.1069/2021 registered with P.S Peerabad under Sections 392/397/34 PPC, whereby the appellant was convicted and sentenced to suffer rigorous imprisonment for four years and ten thousand fine and in case of default of payment of fine amount to suffer S.I for three months. The benefit of section 382-B Cr.P.C was also extended to the Appellant.

2. At the very outset, Appellant who has been produced by the Jail Authorities has prayed for a lenient view in the case, on the ground that the Appellant and his family members are extremely poor, and he is the only earning member of his family; during confinement of Appellant in jail, his family members are on the brink of starvation. Appellant further contended that he is the first offender and that he has served out more than half portion of his sentence awarded to him, and his conduct at jail has remained satisfactory.

3. Learned APG has conceded to the above submission made by learned counsel for Appellant and extended no objection, if conviction and sentence of Appellant is modified and reduced to a period already undergone by the Appellant.

4. I have considered the submissions made by the Appellant that he and his family are extremely poor persons and his family members are

¹ The State v. Asad Ali Shah.

virtually starving, due to confinement of the Appellant in jail. Perusal of the jail roll of the Appellant submitted on 30.04.2026 shows that the Appellant has served out about more than half portion of the sentence including remission and his conduct in jail is satisfactory. The Appellant admittedly is first offender, as there is no such material on record that the Appellant is already convicted in any other case. In the given circumstances, I am inclined to take a lenient view in the matter. Accordingly, the sentence awarded to the Appellant including the period he was to undergo in lieu of fine, is reduced to the period of his detention in jail he has already undergone.

5. With the above modification in the sentence of Appellant, this Appeal is dismissed. The Appellant shall be released forthwith, if his custody is not required in any other case.

Judge
Head of Const. Benches