

JUDGMENT SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Jail Appeal.No.D-16 of 2021.

DATE **ORDER WITH SIGNATURE OF HON'BLE JUDGE**

Before:

Mr. Justice Adnan Iqbal Chaudhry,

Mr. Justice Zulfiqar Ali Sangi,

For hearing of main case.

18.01.2023

Mr. Sajid Hussain Mahessar, Advocate for appellant.

Mr. Ali Anwar Kandhro, Addl.PG for the State.

= * = * = * = * = *

ZULFIQAR ALI SANGI, J:- The appellant on having been found in possession 06 K.Gs of Charas, after due trial, was convicted for an offence punishable U/S. 9 (c) of the C.N.S Act, 1997, and sentenced to undergo R.I for 08 years with fine of rupees twelve thousand and in default whereof, to undergo S.I for six months and fifteen days, with benefit of Section 382-B Cr.PC, vide judgment dated 18.05.2021 delivered by learned 3rd Additional Sessions Judge (MCTC)/Special Judge for C.N.S, Larkana, which has been impugned by the appellant before this Court by preferring the instant criminal jail appeal.

2. At the very outset, it is contended by learned counsel for the appellant that, as per instructions, he would not press instant criminal jail appeal on merits if the conviction and sentence awarded to the appellant is reduced to one as already undergone by him while such proposition has also been conceded by learned Addl.PG for the State.

3. Heard arguments of learned counsel for the parties and perused the material made available on the record.

4. It is case of prosecution that the appellant was found in possession of 06 K.Gs of Charas and to such allegation, the prosecution examined Complainant ASI Ayaz Hussain, Mashir Niaz Ali and Investigation officer SIP Khadim Hussain whose evidence finds support from the positive report of Chemical Examiner and by considering their evidence, the learned trial Court rightly concluded to establish the guilt against the appellant beyond shadow of doubt.

5. Since, the conviction and sentence awarded to the appellant requires to be modified leniently for the reasons that the appellant is a young man of 32 years of the age, having no previous criminal record and is said to be the sole bread earner of his entire family, as such he is capable of reformation. By not pressing his appeal on merits, he has shown his genuine repentance to his guilt and as per jail roll, he has already undergone 02 years and 06 days of the substantial sentence and besides this, has also earned remission of 04 years, 01 month and 15 days, therefore, the conviction and sentence awarded to the appellant by impugned judgment are modified with one as already undergone by him which includes the imprisonment on account of his failure to make payment of fine.

6. The instant Criminal Jail Appeal is disposed of with above modification.

JUDGE

JUDGE

