

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mr. Manzoor Ahmad Malik
Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Appeal No.125 of 2020

*(Against the judgment dated 8.11.2016 passed
by the High Court of Sindh, Circuit Court,
Larkana in Cr. Appeal No.D-3/2015)*

Mst. Sughran & Mst. Khalida

...Appellant(s)

Versus

The State

...Respondent(s)

For the Appellant(s): Mr. M. Amjad Iqbal Qureshi, ASC

For the State: Mr. Hussain Bux,
Addl. Prosecutor General Sindh

Date of hearing: 27.10.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- After strenuously highlighting “*flaws*” in various investigative steps, the learned counsel, nonetheless, does not press appellant’s conviction, concurrently held in order by the Courts below, albeit in reduction of sentence by the High Court and prays for further reduction of her sentence to the period already undergone with corresponding modification in the amount of fine.

The appellant alongside co-accused Mst. Sughra was surprised in a public vehicle by an Excise contingent of Jacobabad Circle in the Province of Sindh with a cache of cannabis 10 k.g. each. Mst. Sughra co-convict has since been passed away. According to the report submitted by the jail authorities, the appellant, as on 23.10.2020, has served out a period well exceeding six years and is scheduled to be released on 18.12.2022.

A considerable cache of contraband, nonetheless, attributed by the prosecution to the appellant, being not in excess of 10-kg, brings her case out of the barriers of statutory sealing of lowest mandated sentence and, thus, for reasons valid and just, her plea for reduction of sentence can be visited thoughtfully; her apparent status of a hapless

carrier has not seriously been controverted by the learned Law Officer who otherwise, nonetheless, faithfully defended the impugned judgment and opposed the reduction of sentence in view of the grace already shown by the High Court.

The primary purpose behind the Criminal Justice System is to enable an offender to reform and rehabilitate him/herself to rejoin the mainstream life to once again become a useful member thereof. It is not to wreak vengeance. In the present case, we have not been able to find out any material/circumstance to view the appellant or her deceased partner as being privy at the helm of the consignment; abandoned by those who ensnared them into the trap, they struggled for their release on their own through jail petitions after a trial conducted without craft. Substantial period already served out, death of identically placed inmate in the prison, are factors perhaps failing to individually qualify, nonetheless, taken into consideration together, cumulatively make out a case to reduce her sentence to the period already undergone. Reduction in fine to the tune of Rs.30000/- or to undergo three months SI in the event of default shall also be a conscionable arrangement. With the above modification, the appeal is partly allowed.

Judge

Judge

Judge

Islamabad, the
27th October, 2020
Not approved for reporting
Azmat/-