

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT

Cr. Misc. No. 07/2010

Before: Mr. Justice Muhammad Nawaz Abbasi (Chief Judge)
Mr. Justice Syed Jaffar Shah (Judge)
Mr. Justice Muhammad Yaqoob (Judge)

Abdul Wahid S/O Johar Ali, R/O Aliabad Hunza

Petitioner

Versus

The State through Special prosecutor NAB Gilgit

Respondent

**OFFENCE U/S 409/420 PPC AND SECTION 5(2)
PCA-1974 VIDE FIR NO. 13/1993 DATED 01-03-
1993.**

**PETITION FOR LEAVE TO APPEAL AGAINST
THE ORDER/JUDGMENT OF CHIEF COURT
DATED 05/10/2010, WHEREBY THE
CONVICTION AWARDED BY NAB COURT GILGIT
HAS BEEN MAINTAINED.**

Present: Malik Haq Nawaz senior Advocate for Petitioner.
Mr. Nisar Ahmed, Special prosecutor for NAB Gilgit.

Date of hearing: 16.03.2011

ORDER

Muhammad Nawaz Abbasi,..... C.J: The petitioner having faced trial before Accountability Court under Section 409, 420 PPC read with 5(2) PCA 1947 for the charge of misappropriation of wheat of the value of Rs. 1,08,281.10 (Rupees one lac, eight thousand, two hundred, eighty one and 10 paisas) has sustained conviction vide judgment dated 16-

06-210. The trial Court awarded him sentence of Rigorous imprisonment for a period of 2 years each under Section 402,420PPC and under Section 5)2) PCA 1947 with fine of Rs. 2,00,000 (Rupees two lac) and in default of payment of fine to undergo Rigorous Imprisonment for further period of six months. In consequence to the dismissal of appeal filed by the petitioner against his conviction and sentence before the Chief Court, he has preferred this petition before this court. The learned Counsel for the petitioner without challenging the conviction of the petitioner ha submitted that subject to the deposit of misappropriated mount the petitioner may be given concession, in the sentence with reasonable reduction in fine. The learned Counsel submitted that the petitioner with loss of service has been facing agony prosecution and trial since March, 1993, initially before the Court of Special Judge Anticorruption and then before the Accountability Court, which is a sufficient ground for reduction of sentence to the period already served by him in jail which more than six months.

The special Prosecutor NAB has raised no objection to the grant of request for reduction in sentence and fine.

In view of the peculiar circumstances and special feature of the case, we having considered the long agony of trial and prosecution and also loss of service are of the view that subject to all just exception, the interest of justice in the given circumstances would demand for taking lenient view in the matter of sentence therefore, the deposit of misappropriated

amount by the petitioner, his sentence to the extend of period already undergone by him which is more than six months with reasonable reduction in fine would be sufficient to meet the ends of justice. Consequently, we while maintaining the conviction of the petitioner reduce his sentence to the period already undergone by him with reduction in the amount of fine from Rs. 2,00,000/- (Rupees two lac) to Rs. 2,000/- (Rupees Two Thousand) and in default of the payment of fine he will undergo rigorous imprisonment for one month.

This order is subject to the deposit of misappropriated amount of Rs. 1,08,281.10 (Rupees one lac, eight thousand, two hundred, eighty one and 10 paisas) by the petitioner within one month failing which this petition will deemed to have dismissed. This petition with the reduction of sentence and fine in the above manner is disposed of.

Chief Judge

Judge

Judge