

CRIMINAL REVISION NO.01/K OF 2007
Saroop Chand V State

06.11.2008 Mr. Mansoor Ahmed Khan Advocate
Karachi. alongwith applicant Saroopchand.

Mr. Farid-ul-Hassan, AAG Sindh.



The applicant was convicted under section 4 of Prohibition (Enforcement of Hadd) Order 1979 whereby he was sentenced to one (01) year R.I. and fine of Rs.1000/- in default of payment to suffer R.I. for one month. Learned counsel for the applicant while conceding the conviction of the applicant prays that his sentence may be reduced up to this date as he was in possession of a small quantity of Desi wine for his personal use and that he is a non-Muslim also. Learned AAG Mr. Farid-ul-Hassan admits this position.

I am mindful of the fact that the applicant is a Hindu who was in possession of a meager quantity of Desi Sharab meant for his personal consumption and he could have obtained a permit (P.R.I) under Rule 12 (Part-II) of Punjab, NWFP and Baluchistan Prohibition (Enforcement of Hadd) Rules 1979/80 but since he was a resident of Sindh he could have only obtained intoxication liquor on or at a ceremony prescribed by his religion under Rule 11(b) of the Sindh Prohibition Rules, 1979. As to why the provincial Government of Sindh has made Rule 11(b) different from other Provincial

Governments is not understandable. The Rules under a statute are subservient to the statute/parent law.

In view of the above position and the fact that the Desi wine recovered from the applicant was not for commercial purpose but for personal consumption in meager quantity and also in view of submissions made by the learned counsel for the parties' I am inclined to take a lenient view of the matter and reduce the sentence of the applicant up to this date viz 6.11.2008 subject to payment of Rs.1,000/- as fine and in default of payment whereof the applicant shall suffer S.I. for one week. Since the applicant is on bail his bail bond shall be cancelled and the surety shall be discharged upon payment of Rs.1,000/- by the applicant as fine in the trial Court. In case the applicant fails to pay the fine upto 11.11.2008, he will be arrested to serve S.I. for a week.

This Revision stands disposed of accordingly.


 6/11/08
Justice Haziqul Khairi
Chief Justice.

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Approved for

