

## ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Appeal No. S- 17 of 2019.

Date	Order with signature of Hon'ble Judge
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1. For orders on M.A No.2408 of 2020.
2. For hearing of main case.

23.7.2020.

Mr. Asif Ali Abdul Razak Soomro, advocate for the  
appellant a/w appellant on bail.

Mr. Ali Anwar Kandhro, Addl. P.G.

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Through this criminal appeal, appellant Mashooque Ali has assailed the judgment dated 12.03.2019 passed by learned 1<sup>st</sup> Additional Sessions Judge, Kamber/Camp Court at Central Prison, Larkana, in Sessions Case No. 93 of 2015 re: State v. Mashooque Ali arisen out of Crime No.03 of 2015 of P.S Hamal registered for an offence under Section 24 of Sindh Arms Act 2013, whereby appellant has been convicted and sentenced to suffer R.I for one year and pay fine of Rs.1000/- and in case of default in payment of fine, he shall undergo S.I for one day more. He is also extended benefit of section 382-b Cr.P.C.

After arguing the appeal at some length, learned counsel for the appellant submits that this is an off-shoot case of main case vide Sessions Case No. 310 of 2014 re: State v. Abdul Ghaffar and others arisen out of Crime No.06 of 2013 of P.S Hamal registered for an offence under Section 302, 324, 337-H(ii), 109, 148 and 149 PPC in which appellant Mashooque Ali has been acquitted of the charge by way of judgment dated 17.02.2020. In support of his contention he has placed on record certified copy of said judgment under cover of his statement dated 25.6.2020 and submits that in view of his acquittal in main case appellant deserve acquittal from the charges of this case also. In support of his contention he has placed reliance on the case of Manjhi v. The State (PLD 1997 Karachi 345).

Learned Addl. P.G submits that though the P.Ws examined before the trial Court were not subjected to cross examination

however, due to acquittal of the appellant in main case, he has no objection.

In view of above, instant criminal appeal is allowed. The conviction and sentenced recorded against him by the learned trial Court under impugned judgment is set aside and appellant Mashooque Ali is acquitted of charge. He is present on bail. His bail bond stand cancelled and surety is discharged.

The appeal stands disposed of.

  
JUDGE

The above order has been complied  
On 27-07-2020  
Asstt Accountant