

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Appeal No.214 of 2024
(Orangzaib and another v. The State and 02 others)

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| DATE: | ORDER WITH SIGNATURE OF THE JUDGE |
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1. For orders on MA No.3682/2024
2. For hearing of main case
3. For hearing of MA No.3683/2024

02.05.2024

Mr. Muhammad Akbar, advocate for the appellants
Ms. Amna Ansari, Addl. PG for the State

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On the conclusion of the trial, the appellants were convicted under Section 3 of the Illegal Dispossession Act 2005 and sentenced to undergo rigorous imprisonment for two years with a fine of Rs.100,000/-each to be paid to the complainant as compensation and in default in payment whereof to undergo simple imprisonment for six months with direction to SHO PS Surjani Town to restore the possession of the subject property to the complainant by learned Xth- Additional Sessions Judge Karachi West vide judgment dated 18.03.2024, which they have impugned before this court by preferring the instant appeal and in the meanwhile they by way of listed application have sought their release on bail by suspending the operation of the impugned sentence, which is not opposed by learned Addl. PG for the State. The notice against the complainant has repeatedly been returned unserved by SHO PS Surjani Town for want of proper address.

Heard arguments and perused the record.

The appellants have been convicted and sentenced in the direct complaint; they were enjoying the concession of bail at trial; the sentence awarded to them being two years is short one; hearing of their appeal is likely to take some time because of heavy pendency, therefore, while relying upon the case of *Abdul Hameed Vs. Muhammad Abdullah and others* (1999 SCMR-2589) the operation of the sentence awarded to the appellant is suspended; consequently they are directed to be released on bail subject to their furnishing surety in the sum of Rs.50,000/- each and PR bond in the like amount to the satisfaction of Nazir of this Court.

The listed application (MA No.3683/2024) is disposed of accordingly.

Adjourned to be fixed after four weeks for hearing of the main appeal.

JUDGE

Nadir*