

*ORDER SHEET*

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

Cr. Jail Appeal No.D-404 of 2011.

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>24.04.2017.</u>	

FOR REGULAR HEARING

None present for the appellant.

Mr. Ashfaque Ali Khaskheli, advocate for complainant.

Syed Meeral Shah Bukhari, D.P.G. for the State

Appellant Pir Bux Shaikh s/o Jummo Shaikh wanted in Crime No.275 of 2010 Police Station Bacin under section 302 PPC was tried by learned Sessions Judge Badin, in Sessions Case No.190 of 2010.

After full dressed trial by Judgment dated 23.12.2011, accused Pir Bux Shaikh s/o Jummo Shaikh was convicted under section 302(b) PPC and sentenced to death. However, his death sentence was subject to confirmation by this court as required under section 374 Cr.P.C. Trial court had also made Reference to this court for confirmation of death sentence.

During the pendency of the appeal compromise application was filed on 30.03.2017. None appeared on behalf of the appellant. Intimation notice was issued to the counsel for the appellant and notice to the appellant through Superintendent Central Prison Hyderabad, with direction that appellant shall ensure the presence of his counsel and case was adjourned for today.

Syed Meeral Shah Bukhari, D.P.G. appearing for the State has submitted the Jail Roll dated 08.04.2017 issued by Senior Superintendent Central Prison Hyderabad, in which it is mentioned that above named appellant / condemned prisoner namely Pir Bux s/o Jummo Shaikh required in Criminal Jail Appeal No.404 of 2011 (Pir Bux s/o Jummo

Shaikh v. The State) has expired on 09.06.2016, at L.M.U.H.S. Hyderabad.

In view of the above learned D.P.G. submits that since the appellant has expired therefore, the proceedings may be abated.

Mr. Ashfaque Ali Khaskheli, Advocate appearing for the complainant also pleads no instructions.

Heard learned counsel for the complainant as well as D.P.G. Since the appellant has expired on 09.06.2016, at L.M.U.H.S. Hyderabad, as reported by Senior Superintendent Central Prison Hyderabad, therefore, proceedings against appellant Pir Bux s/o Jummo Shaikh are abated.

Since the appellant has expired in the Jail 'Reference' for confirmation of death sentence has become infructuous.

Criminal Jail Appeal No.D-404 of 2011 stands disposed of in the above terms.

JUDGE

JUDGE

A.