

ORDER SHEET

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

Cr. Appeal No.D-327 of 2010.

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>21.04.2017.</u>	

None present for the appellants.

Mr. Amjad Ali Mangi, Advocate / Special Prosecutor ANF.

Appellants Khair Mohammad alias Khairo, Dilbar and Shoaib were tried by Special Judge (CNS), Sanghar in Special Case No.21 of 2009, for offence under section 9(c) Control of Narcotic Substance Act 1997. By Judgment dated 09.08.2010, the accused Khair Mohammad alias Khairo s/o Hondal Machi and Dilbar s/o Mohammad Ilyas Machi were convicted under section 9(c) Control of Narcotic Substance Act 1997, and sentenced to 10 years R.I. and both of them were directed to pay the fine of Rs.50,000/- each. In case of default in payment of fine they were ordered to suffer S.I. for one year more. Accused Shoaib s/o Ali Kaloi was also convicted under section 9(c) Control of Narcotic Substance Act 1997, and sentenced to 08 years R.I. and he was directed to pay the fine of Rs.40,000/-. In case of default in payment of fine he was ordered to suffer S.I. for one year more. All the three appellants were extended benefit of Section 382-B Cr.P.C.

The Superintendent Central Prison has submitted Jail Roll dated 15.04.2017 which reflected that appellants Dilbar s/o Ilyas Machi and Khair Mohammad alias Khairo s/o Hondal Machi on expiry of their sentence were released from the Central Prison Hyderabad on 03.05.2014, whereas accused Shoaib s/o Ali Kaloi has also been released from Prison on 14.09.2013 on completion of his sentence.

Learned Special Prosecutor ANF submits that the appellants on completion of sentence have been released from Central Prison Hyderabad and since then they never appeared before this court nor sent any written request to contest the appeal on merits.

With the assistance of learned Special Prosecutor ANF we have gone through the evidence and of the opinion that there was sufficient evidence on the record against the appellants/accused to connect them with the commission of the offence with which they stand charged. The learned trial court has advanced valid and cogent reasons for recording the conviction against the appellants and we see no justification to disturb the same.

It also appears that on completion of sentence the appellants were released from the Prison and since then they have failed to appear before this court to contest the appeal nor any written request was sent that the appellants intend to contest the instant appeal.

In the view of above, the appeal is dismissed as having become infructuous as well as on merits.

JUDGE

JUDGE

A.