

ORDER SHEET

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

Cr.Spl. ATA Appeal No. D — 102 of 2005.

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>14.04.2017.</u>	

FOR REGULAR HEARING.

None present for the appellant.

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

Appellant Ayooob s/o Soomar Mallah was tried along with other accused by learned Judge A.T.C. Hyderabad Division at Hyderabad, in Special Case No.29 of 2003. By Judgment dated 8.7.2005 accused Mohammad Ayooob and Mohammad Ameen were convicted under section 324, 353 PPC read with section 6(2)(n) of the Anti Terrorism Amendment Ordinance 2001, in Crime No.7 of 2003 and sentenced to suffer R.I. for seven years each and pay fine of Rs.50000/- each under section 7(b) of Anti Terrorism Amendment Ordinance 2001. It was ordered that fine if realized shall be deposited into Government Treasury. In case of default in payment it was ordered that appellant shall suffer R.I. for 6 months more.

Appellant Ayooob filed instant appeal against his conviction and sentence before this court on 14.07.2005. Appeal was admitted to regular hearing. During pendency of the appeal Jail Roll was called. Superintendent Central Prison Hyderabad, reported that appellant Ayooob s/o Soomar Mallah has been released from the Prison on 11.7.2009 on the completion of his sentence. Thereafter notices were issued to the appellant which were returned unserved. Finding no other way to procure the attendance of the appellantailable warrants were also issued. Finally N.B.Ws. were issued which were also returned unexecuted.

As per record it reflects from the endorsement of S.H.O. Police Station Jhok Shareef that appellant has shifted to some unknown place and his whereabouts are not known. Statements of Nekkards of the locality were also recorded by the S.H.O. It appears that appellant is not interested to contest the appeal on merits. Moreover, Mr. Mohammad Ishaque Khoso, advocate for appellant also chosen to remain absent.

We have perused the evidence with the assistance of learned D.P.G. so also the impugned judgment. No infirmity or defect in the prosecution case has been found, therefore, conviction and sentence recorded against appellant vide judgment dated 8.7.2005 is maintained. Since appellant after suspension of the sentence released from the Prison and failed to contest the appeal the same is accordingly disposed of as having become infructuous.

JUDGE

JUDGE

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