

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Appeal No.D-81 of 2006.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For regular hearing.

10.05.2017.

Mr. Anwar H. Ansari, Advocate for the appellant.

Syed Meeral Shah Bukhari, Deputy Prosecutor General.

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Appellant Mst. Bakht Bibi alias Nargis faced trial before learned Sessions Judge / Special Court CNS, Nawabshah for offence under section 9(c) Control of Narcotic Substances Act, 1997. Vide judgment dated 27.04.2006, appellant was convicted under section 9(c) CNS Act, 1997, and sentenced to suffer R.I. for 07 years and to pay fine of Rs.30,000/-. In case of default in payment of fine she was ordered to suffer R.I. for 06 months more. Appellant was remanded to jail to serve out the sentence awarded to her. Mst. Bakht Bibi alias Nargis filed instant appeal bearing Cr. Appeal No.D-81/2006 on 23.05.2006. The same was admitted for regular hearing vide order dated 24.05.2006. During the pendency of the appeal, appellant applied for suspension of sentence under section 426 Cr.P.C. and this Court suspended her sentence vide order dated 11.01.2007, as a result of which, the appellant was released on bail but after release from jail she never appeared before this Court. In the first instance, notice was issued against her vide order dated 12.02.2013. Thereafter, B.W. was also issued against her vide order dated 28.02.2013. SHO Police Station B-Section Nawabshah returned process unserved vide his letter dated 12.09.2015 stating therein that appellant after release on bail has shifted to some unknown place. The SHO recorded statements of Nek Mards of the vicinity namely, Shadi Khan and Ghulam Hyder. Same are available on record.

Mr. Anwar H. Ansar, the learned counsel for the appellant submits that after suspension of sentence and release on bail appellant is not in his contact and states that perhaps she has shifted to unknown place.

Learned D.P.G. submits that appellant has become fugitive from the law. The law is settled that a fugitive from law loses his right of audience before a court, as held by Honourable Supreme Court in the case of **Ikramullah v. State** (2015 SCMR 1002), relevant portion of the same is reproduced as under:-

“A report dated 11.12.2014 has been received from the Superintendent, Central Prison, Bannu informing that Adil Nawab appellant had escaped from the said jail during the night between 14/15-4-2012 and he has become a fugitive from law ever since. The law is settled by now that a fugitive from law loses his right of audience before a court. This appeal is, therefore, dismissed on account of the above mentioned conduct of the appellant with a clarification that if the appellant is recaptured by the authorities or he surrenders to custody then he may apply before this Court seeking resurrection of this appeal.”

In the view of above circumstances and keeping in mind the statement of the SHO concerned it appears that appellant has become fugitive from the law after release on bail as a result of suspension of her sentence. The appeal is, therefore, dismissed on account of the above mentioned conduct of the appellant with a clarification that if the appellant is recaptured by the concerned police or she surrenders to custody then she may apply before this Court seeking resurrection of this appeal.

JUDGE

JUDGE

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