

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Crl. Appeal No.442 of 2016

Date

Order with signature of Judge

For hearing of M.A No.12092/2016.

30.03.2017

Mr. Muhammad Wakeeluddin, Advocate for the applicant.
Ms. Rahat Ehsan, D.P.G.

NAZAR AKBAR,J:- Applicant/accused Raja Mushtaq son of Riyasat Ali, has impugned the judgment dated 18.10.2016 passed in Sessions Case No. 1696 of 2014 in Crime No.106/2014 registered at P.S. Model Colony, Karachi, for offences under Sections 394/324/34 PPC. This appeal was admitted for regular hearing on 18.01.2017. The appellant alongwith the appeal has also filed an application under Section 426 Cr.P.C for suspension of sentence and his release pending this appeal.

2. In the impugned judgment the appellant has been sentenced to undergo **R.I for 07 years** with fine of Rs.10,000/-. In default thereof he shall further undergo S.I for 03 months. The benefit of section 382-B Cr.P.C is also extended to accused.

3. I have gone through the record and heard learned counsel for the applicant and the prosecution.

4. Learned counsel for the appellant states that the accused was already on bail during trial and he has a good case for acquittal since star witnesses mentioned in FIR and challan have refused to turn up in the witness box. Learned DPG has nothing to say adverse to this proposition that the accused is not harden criminal. There is no other case pending against him and even in this case there are question marks on the findings. Even the so called injured mentioned in the

FIR has not come forward in the witness box despite the fact that he is real brother of the complainant.

5. In view of above, the operation of the impugned judgment dated 18.10.2016 to the extent of imprisonments awarded to the appellant is suspended pending the appeal and the appellant is directed to be released on bail subject to furnishing solvent surety in the sum of Rs.100,000/- (One Hundred Thousands), and P.R bond in the like amount to the satisfaction of Nazir of this Court if not required in another case. Listed application under section 426 Cr.P.C. is disposed of.

J U D G E

SM