

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT
COURT, HYDERABAD.
Cr. Appeal No.S-43 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

1. For orders on office objection.
2. For hearing of MA-2828/19
3. For hearing of main case.

05.08.2019.

Mr. Muhammad Sachal Awan, advocate for appellant

Ms. Rameshan Oad, A.P.G

Mr. Ghulamullah Chang, advocate for complainant.

=

The applicant by way of instant application (MA-2828/2019) has sought for suspension of the operation of judgment dated 26.03.2019 passed by learned IInd Additional Sessions Judge, Badin whereby he has been convicted and sentenced as under:-

“I convict the accused Alam Khan son of Niaz Hussain under section 337-F (v) PPC and sentence him to undergo R.I for two years and to pay Daman amounting to Rs.30,000/- to injured Mst. Ghulam Qubra. The accused is also convicted under section 337-A (1) PPC and sentences to suffer R.I for one year and to pay Daman amounting to Rs.10000/-to injured Mst. Ghulam Qubra. Accused is also convicted under section 337-F (iii) PPC and sentenced to suffer R.I for two years and pay Daman amounting to Rs.20,000/- to injured Mst. Shahida. The accused is also convicted under Section 337-F(i) PPC and sentenced to suffer six months and to pay Daman amounting to Rs.10,000/- to injured Mst. Shahida. The sentence of imprisonment shall run concurrently. The accused is also extended benefit of section 382-B PPC. The accused shall be detained in jail till realization of Daman amount.”

2. It is contended by the learned counsel for the applicant that the applicant has been convicted and sentenced on the basis of improper appraisal of evidence, the aggregate conviction is only two years with benefit of section 382-B Cr.P.C the applicant was un-bailed before his conviction and hearing of his appeal is likely to take time. By contending so he sought for suspension of the operation of the impugned judgment with release of the applicant on bail pending disposal of his appeal.

3. Learned A.P.G for the State and learned counsel for the complainant have opposed to suspension of the operation of the impugned judgment and release of the applicant on bail by contending that the revision application for enhancement of the conviction to the applicant is pending adjudication before this Court.

4. I have considered the arguments and perused the record.

5. Admittedly, the applicant was enjoying the concession of bail before his conviction. The aggregate conviction which is awarded to the applicant is only two years with benefit of section 382-B Cr.P.C. The applicant and the complainant are related interse. The appeal preferred by the applicant against his conviction has been admitted to regular hearing and its hearing is likely to take some time. In that situation it would be unjustified to keep the applicant in jail pending disposal of his appeal.

6. In view of above, by relying upon case of *Abdul Hameed vs Muhammad Abdullah and others (1999 SCMR 2589)* the operation of impugned judgment is suspended. Consequently, the applicant is ordered to be released on bail subject to his furnishing surety in the sum of Rs.50,000/= (Rupees fifty thousand) and PR bond in the like amount to the satisfaction of learned Additional Registrar of this Court.

7. The instant application is disposed of accordingly.

JUDGE