

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Appeal No.S-156 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of M.A. No.7465/2020.  
**30.11.2020**

Syed Shahzad Ali Shah, advocate for the appellant.  
Mr. Shahzad Saleem Nahiyoona, D.P.G  
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The appellant for being in possession of ‘*mainpuri*’ sachet was reported upon by the police to face trial according to law. As per learned counsel for the appellant, without providing chance to engage a counsel the appellant has been convicted and sentenced by learned Additional Sessions Judge-I, Tando Muhammad Khan by way of judgment dated 12.10.2020 which is against the principle of natural justice. By contending so, he sought for remand of the matter to the Trial Court for fair trial.

2. Learned D.P.G for the State was fair enough to state that he would be having no objection, if the matter is remanded to learned Trial Court for fair trial.

3. I have considered the above arguments and perused the record.

4. Apparently the appellant has not been provided a fair chance to engage a counsel to represent him in the case by learned Trial Court, which is against the mandate contained by Article 10-A of the constitution of Islamic Republic of Pakistan, 1973 which prescribes right of fair trial for determination of civil/criminal rights and obligations to every citizen.

5. In view of above, the impugned judgment is set-aside with direction to learned Trial Court to proceed with the case afresh after providing a fair chance to the appellant to engage a counsel.

6. The appellant was enjoying the concession of bail at trial, therefore, he is directed to be released on bail by learned Trial Court on furnishing fresh bail bond in sum of Rs.30,000/- and P.R bond in the like amount.

7. The instant appeal is disposed off accordingly together with the pending application.

**Judge**

*Muhammad Danish Steno\**