

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT
COURT, HYDERABAD.
Cr. Appeal No.S-372 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.
3. For hearing of MA-10249/19

06.12.2019.

Mr. Ghulamullah Chang, advocate for appellant

Ms. Sobia Bhatti, A.P.G

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The appellant Zahid Hussain by way of instant application (MA-10249/2019) has sought for suspension of the operation of judgment dated 23.11.2019 passed by learned Ist Additional Sessions Judge, Badin to his extent, whereby he for offence punishable under Section 337-A(i) PPC has been convicted and sentence to undergo Rigorous Imprisonment for one year with compensation of Rs.20,000/- payable to the injured Muhammad Yousif. In case of non-payment of compensation, to undergo Simple Imprisonment for three months, with benefit of section 382-B Cr.P.C.

2. It is contended by the learned counsel for the appellant that the conviction and sentence awarded to the appellant Zahid Hussain is short one, he on investigation was found to be innocent by the police for entire period of trial he was on bail and hearing of his appeal is likely to take time. By contending so he sought for suspension of the operation of the impugned judgment only to the extent of appellant Zahid Hussain with his release on bail pending disposal of his appeal.

3. Learned A.P.G for the State has opposed to release the appellant on bail by contending that the hearing of appeal of the appellant would consume no time.

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

5. Obviously, the appellant Zahid Hussain has been found guilty for offence punishable u/s 337-A(i) PPC; the conviction and sentence awarded to him is short one and hearing of his appeal is likely to take time. In that situation it would be unjustified to keep the appellant Zahid Hussain in custody 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 only to the extent of appellant Zahid Hussain is suspended. Consequently, the appellant Zahid Hussain 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