

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

Cr. Appeal No.S-154 of 2003

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

20-01-2020

Syed Tarique Ahmed Shah, Advocate for appellant.

Ms. Ramesha Oad, Asst. Prosecutor General a/w Abdul Ghaffar
Chandio DSP and Din Muhammad Leghari, Assistant.
Superintendent Central Prison Hyderabad
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ABDUL MAALIK GADDI, J- It reveals from the record that this Criminal Appeal is pending since 2003. Learned counsel for the appellant submits that appellant is not in his contact since long. It also reveals from the record that appellant Ghanwar S/o Khuda Bux Khanio has been convicted and sentenced to suffer R.I for one (01) year and fine of Rs.1000/- and in default, he shall suffer R.I for one month more, vide judgment dated 26.08.2003 passed by the trial Court / 2nd Additional Sessions Judge, Mirpurkhas in Sessions Case No.109 of 2001 (State v. Ghanwar) arisen of crime No.11 of 2001 registered U/S 13-E of Arms Ordinance at PS Dilbar Khan Mahar. However, a report was called from the Senior Superintendent Central Prison Hyderabad, who vide his letter dated 18.01.2020 submitted that the present appellant has already been released from jail on 17.08.2009 on completion of above sentence. The said report is taken on record; copy whereof has been supplied to learned counsel for the appellant and learned A.P.G.

Learned counsel for the appellant also submitted that the appellant was also convicted and sentenced to death penalty in main case under crime No.09 of 2001 registered U/S 302, 337-A(i), 337-

F(ii), 504, 114 PPC at PS Dilbar Khan Mahar, however, in Criminal Appeal No.153 of 2003, the said judgment was modified by this Court and conviction and sentence reduced into 10 years vide judgment dated 13.01.2004. He next argued that complainant Habibullah has assailed the said judgment passed by this Court before Honourable Supreme Court in Criminal Appeal No.412 of 2006, but the same was dismissed vide order dated 14.06.2012.

Mr. Din Muhammad Leghari, Asst. Superintendent Central Prison Hyderabad is present and submits that at the movement according to his record, no case is pending against the appellant and the appellant has already been released by the jail authority after completion of his sentence on 17.08.2009.

Keeping in view of the above, learned counsel for the appellant does not want to proceed with this appeal on merit as the appellant is not in his contact. Since nothing is pending adjudication; therefore, this Criminal Appeal is dismissed as having become infructuous. Office is directed to send the copy of this Order along with R&P of the case to learned trial Court for information and compliance.

JUDGE

****Fahad Memon****

20-01-2020