

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

Criminal Appeal No.S-273 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE (S)
	For hearing of M.A. No.8321/2019.

12.07.2021.

Mr. Ghulam Shabbir Babar, Advocate for the appellant.
Ms. Rameshan, Assistant Prosecutor General, Sindh.

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The appellant for being in possession of unlicensed pistol of 30 bore with magazine containing three live bullets for an offence punishable under section 25 of Sindh Arms Act, 2013 was convicted and sentenced to undergo Rigorous Imprisonment for five years with fine of Rs. 30,000/- and in default in payment of fine to undergo simple imprisonment for one month by learned Additional Sessions Judge-II Kotri vide his judgment dated 8thSeptember 2019, which is impugned by the appellant before this Court by way of filing an appeal and in the meanwhile he has sought for suspension of the operation of the impugned judgment and his release on bail pending disposal of his appeal by way of listed application under section 426 Cr.P.C.

It is contended by learned counsel for the appellant that the appellant has already been acquitted in main murder case and in present case he has served out the maximum portion of his

conviction, therefore, he is entitled to his release on bail by suspending the operation of the impugned judgment.

Learned Assistant Prosecutor General has recorded no objection to release of the appellant on bail.

I have considered the above arguments and perused the record.

The appellant had already been acquitted in main murder case and has already served out the maximum portion of his conviction. In these circumstances, while relying upon case of *MakhdoomJavedHashmi Vs. The State [2007 SCMR 1844]*, the operation of impugned judgment is suspended, consequently the appellant is ordered to be released on bail subject to his furnishing surety in sum of Rs.50,000/- and P.R bond in the like amount to the satisfaction of Additional Registrar of this Court.

The listed application is disposed of accordingly.

Judge

Muhammad Danish Steno*