

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

Criminal Jail Appeal No.S-112 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.04.2021

Mr. Omparkash, advocate for the appellant
Mr. Muhammad Noonari D.P.G. for the State.

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Learned counsel for appellant submits that instant appeal was filed on 30.06.2016, however, the appellant is in custody right from the date of his arrest viz. 26.08.2012. Learned counsel next submits that punishment awarded to the appellant by the trial Court is life imprisonment and the appeal has not proceeded by the prosecution on the ground that the FSL report is not available in the case file, therefore, learned counsel requests for grant of bail to the appellant as he is only sole bread earner of his family. Learned D.P.G concedes such request of learned counsel for the appellant.

A perusal of record shows that on the last date of hearing, learned D.P.G. sought time to produce FSL report before this Court, but he has failed to produce the same today in Court.

Heard arguments and perused the record.

Admittedly, the appeal has not been heard and decided only because of non-availability of FSL report. It appears that the appellant is in custody since 26.08.2012 and he is only sole bread earner of his family. Moreover, due to heavy pendency of backlog of the cases upon the board of this Court it will take sufficient time in its decision, therefore, point raised requires consideration. In the circumstances and in view of above, a prima facie case for suspension of sentence is made out. Resultantly, the operation of impugned judgment dated 11.06.2016, handed down by learned Additional Sessions Judge, Sehwan in Sessions Case No.242 of 2012 re-The State Vs. Khuda Bux s/o Jumo Khan arising out of Crime No.126 of 2012, P.S Sehwan under sections 302, 324, 353, PPC, is hereby suspended till final decision of main appeal. The appellant shall be released on bail subject to his furnishing solvent surety in the sum of

Rs. 100,000/- (Rupees one hundred thousand) and P.R bond in the like amount to the satisfaction of Additional Registrar of this Court.

To come up on 23.05.2022.

JUDGE

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