

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

Cr. Appeal No.S- 66 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For hearing of bail application u/s 426 Cr.P.C. (M.A-4496 of 2022)

30.05.2022

Mr. Ghulamullah Chang, Advocate for the appellant.

Mr. Shawak Rathore, D.P.G.

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This is an application for suspension of sentence.

2. Appellant Shahzad Ali was tried by learned Ist. Additional Sessions Judge, Tando Muhammad Khan, in Sessions Case No.53 of 2022 (emanating from Crime No.46 of 2022, registered at Police Station Tando Muhammad Khan, under sections 8 S.P.P.M.S.G.M Act of 2019). After regular trial, vide judgment dated 09.05.2022, appellant was convicted under the aforementioned section and sentenced to suffer R.I. for 02 years and to pay fine of Rs.200,000/-. Captioned appeal has been admitted for regular hearing by this Court vide order 16.05.2022. Alongwith the appeal, application for suspension of sentence u/s 426 Cr.P.C has also been filed by the appellant, which is listed today for hearing.

3. Learned counsel mainly contended that appellant has remained on bail during trial and after delivering impugned judgment is behind the bars; that sentence of 02 years is short sentence and hearing of the main appeal will take some time. In support of his contention, learned counsel placed reliance on the case reported as Abdul Hameed V Muhammad Abdullah and others (**1999 SCMR 2589**).

4. Learned Additional Prosecutor General, in view of the above position, recorded no objection for suspension of sentence.

5. The appellant is behind the bars since pronouncement of the impugned judgment. Moreover, two years' sentence is short sentence. The appeal is pending before this Court; however, due to heavy backlog hearing of the same may take long time. Rightly reliance is placed on the case law, cited above.

6. In the view of above, sentence of the appellant awarded to him vide impugned judgment dated 09.05.2022 is suspended during pendency of main

appeal; however, subject to furnishing solvent surety in the sum of Rs.25,000/- (Rupees twenty five thousand) and P.R Bond in the like amount to the satisfaction of Additional Registrar of this Court. Counsel for the appellant is directed to come prepared for hearing of the main appeal on the next date.

7. Application for suspension of the sentence (M.A-4496 of 2022) is allowed in the above terms.

To come up on 15.08.2022 for hearing of main appeal.

JUDGE

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