

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

Criminal Appeal No.S-227 of 2021

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
	For hearing of M.A. No.14083/2021.

**01.04.2022.**

Mr. Mushtaque Ahmed Memon, Advocate for the appellants.  
Ms. Sana Memon, Assistant Prosecutor General, Sindh.

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The appellants on conclusion of trial were convicted under section 436 P.P.C and sentenced to undergo imprisonment for three years with fine of Rs.20,000/- and in default whereof to undergo simple imprisonment for two months by learned Additional Sessions Judge-II Tando Muhammad Khan, vide judgment dated 23.11.2021, which is impugned by the appellants before this Court by preferring the instant criminal appeal, and in the meanwhile, they have sought for suspension of the sentence awarded to them and their release on bail.

It is contended by learned counsel for the appellants sentence awarded to the appellants is short one; the appellants are in jail since four months and they were enjoying the concession of bail at trial and hearing of their appeal is likely to take time. By contending so, he sought for suspension of the sentence and release of the appellants on bail pending disposal of their appeal.

Notice could not be served upon the complainant for the reason that she has shifted to unknown place. However, learned Assistant Prosecutor General for the State has opposed to release of the

appellants on bail by contending that hearing of their appeal would take no time.

Heard arguments and perused the record.

Obviously the conviction/sentence awarded to the appellants being three years with fine is short one; they have already remained in jail for about four months and enjoying the concession of bail at trial and hearing of their appeal is likely to take time, therefore, while relying upon case of *Abdul Hameed Vs. Muhammad Abdullah and others (1999 SCMR-2589)*, the sentence awarded to the appellants is suspended, consequently, they are admitted to bail subject to their furnishing surety in sum of Rs.50,000/- each and P.R bonds in the like amount to the satisfaction of Additional Registrar of this Court.

Listed application (M.A.No.14083/2021) is disposed of accordingly.

Adjourned to date in office for hearing of appeal.

JUDGE

*Muhammad Danish\**