

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CrI. Accountability Appeal No. 03 of 2022

Date

Order with signature of Judge

1. For hearing of M.A. No. 1637 of 2022.
2. For hearing of M.A. No. 1638 of 2022. [U/S 426 Cr.P.C.]
3. For hearing of main case.

05th January 2023

Mr. Faisal Siddiqui, advocate for the appellants.
Mr. Zahid Hussain, Special Prosecutor NAB.

Heard learned counsel for the appellants and learned Special Prosecutor NAB.

At the outset, learned counsel for the appellant No.1 has emphasized over Jail Roll, which shows that appellant No.1 was convicted and sentenced to suffer R.I. for seven years with fine. As per jail Roll, he has served out sentence including remission 04 years 06 days and un-expired portion of sentence is 03 years 05 months and 24 days; according to counsel more than half sentence he has completed, his age is 82 years. He also emphasizes over Aga Khan Report showing therein that the appellant is known Cardiac Case, Diabetic Mellitus, Hypertensive, CKD, Depressive illness.

In contra, learned Special Prosecutor NAB opposes the instant application on the ground that on 27.01.2022, appellant was convicted, hence one year has not been completed and as per statutory provision after 20 days, he would be entitled to bail, hence instant application is premature and he is ready to proceed with main appeal.

Heard and perused the record.

Record reflects that the appellant is 82 years old and is also suffering from different ailments; further approximately he has undergone more than half of his imprisonment; the hearing of appeal is

likely to take time, therefore, while relying upon case of *Makhdoom Javed Hashmi Vs. The State (2007 SCMR 1844)*, the sentence awarded to the appellant No. 1 Ahmed Jameel Ansari is suspended, consequently, he is directed to be released on bail subject to his furnishing surety in sum of Rs. 01 Million to the satisfaction of the Nazir of this Court. Appellant No.1 shall surrender his passport with the Nazir of this Court and will be entitled to travel abroad with the permission of this court.

The instant application (M.A. No. 1637 of 2022 U/S 426 Cr.P.C.) is disposed of.

Adjourned, to come up on 27.01.2023 for hearing of main appeal.

J U D G E

J U D G E

SAJID