

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Revision Application No. S- 55 of 2023
(*Qamar Abbasi Khaskheli Vs. Hakim Ali and others*)

1. For Orders on office objection.
2. For hearing of main case.

ORDER.**14-11-2023.**

Mr. Kashif Hussain Shaikh, advocate for the applicant.
Mr. Humail Rafi Mahesar, advocate for the private respondent.
Mr. Imran Mobeen Khan, Assistant P.G for the State.

Irshad Ali Shah,J; The facts in brief necessary for disposal of instant Crl. Revision Application are that the private respondent on having been convicted u/s 489-F PPC was sentenced to undergo simple imprisonment for three years with fine of Rs. 30,000/- or in default whereof to undergo simple imprisonment for two months with benefit of section 382 (b) Cr.P.C by learned IInd Civil Judge & Judicial Magistrate, Mirwah vide judgment dated 26-05-2023, which he impugned by preferring an appeal, it was admitted to regular hearing; consequently on filing of an application u/s 426 Cr.P.C, he was released on bail by suspending the operation of sentence awarded to him by learned IInd Additional Sessions Judge Khairpur vide order dated 26-06-2023, which is impugned by the applicant before this Court by preferring the instant Crl. Revision Application.

It is contended by learned counsel for the applicant that learned appellate Court has released the private respondent on bail by suspending the operation of the sentence without lawful justification, ignoring the fact that he was habitual offender; therefore, impugned order being illegal is liable to be set aside.

Learned APG for the State and learned counsel for the private respondent by supporting the impugned order have sought for dismissal of instant Crl. Revision Application by contending that the sentence was short one and it has rightly been suspended by learned appellate Court by ordering the release of the private respondent on bail.

Heard arguments and perused the record.

Admittedly, the sentence awarded to the private respondent was short one and he has already undergone the sufficient portion whereof; the legality whereof is also under challenge. In these premises, learned appellate Court was right to release the private respondent on bail by suspending the operation of sentence awarded to him by way of impugned order, which is not found illegal to be interfered with by this Court.

Consequent upon above discussion, the instant Crl. Revision Application fails and it is dismissed accordingly.

J U D G E