

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Appeal No. 212 of 2024
(Naseebullah and another versus The State)

Date	Order with signature of Judges
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- 1. For orders on MA No.490/24
- 2. For hearing of case
- 3. For orders on MA No.3619/24

23.04.2024

Mr. Sikandar Mehmood, advocate for the appellants
Ms. Rubina Qadir, Deputy PG for the State

The appellants being Afghan National after due trial were convicted under Section 14(ii) of Foreigners Act, 1946, and sentenced to undergo rigorous imprisonment for 04 months with fine of Rs.10,000/- each and in default in payment whereof to undergo simple imprisonment for 15 days with benefit of Section 382(b) Cr.PC by learned Xth-Additional Sessions Judge Karachi South vide judgment dated 08.03.2024, which they have impugned before this court by preferring a criminal appeal and in the meanwhile they by way of listed application have sought for their release on bail by suspending the operation of the impugned sentence.

- 2. It is contended by learned counsel for the appellants that the sentence awarded to the appellant being short one is liable to be suspended with their release on bail being lawful resident of Pakistan, which is opposed by learned DPG for the State by contending that release of the appellants on bail is prohibited by Section 14(A) of Foreigners Act, 1946.
- 3. Heard arguments and perused the record.
- 4. Nothing has been brought on record which may suggest that the appellants have ever been permitted to reside in Pakistan; they, after due trial, for having entered into Pakistan without lawful authority have been convicted and sentenced by learned trial Court as stated above; if they are released on bail under deception that the sentence awarded to them is short one then such release would amount to permitting them to stay in Pakistan without lawful authority; consequently, the listed application being misconceived is dismissed.
- 5. To be fixed within 04 weeks for hearing of main appeal, after preparation of paper book.

J U D G E