

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

Criminal Jail Appeal No.S- 232 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

14.02.2022.

Miss Shazia Paras, Advocate for appellant.
Mr. Nazar Muhammad Memon, Additional P.G for State.

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Appellant Ali Murad was tried by learned IIIrd Additional Sessions Judge, Hyderabad in Sessions Case No.441/2014 for offence u/s 24 Sindh Arms Act, 2013. After regular trial vide judgment dated 05th October, 2018, appellant has been convicted u/s 23 (1) (a) Sindh Arms Act, 2013 and sentenced to 05 years RI and to pay the fine of Rs.20,000/-. In case of default in payment of fine, the appellant was ordered to suffer SI for one month more.

Appeal was admitted for regular hearing. During pendency of the appeal, jail roll was called for. According to jail roll, appellant is in custody since 22nd March 2014 and he has served excluding remission upto 12.02.2022, 07 years, 10 months and 23 days. Learned Additional P.G has drawn attention of the court to the main disposed of appeal bearing Criminal Jail Appeal No.D-101 of 2017 [Confirmation Case No.19 of 2017] which reflects that appellant Ali Murad alongwith co-accused Dhigano faced trial in Sessions Case No.322/2014 before the learned VIIIth Additional Sessions Judge, Hyderabad for offence u/s 302 r/w Section 34 PPC. After regular trial vide judgment

dated 27.09.2017 appellant was convicted u/s 302(b) r/w Section 34 PPC as Tazir and sentenced to death whereas co-accused Dhigano was convicted and sentenced to imprisonment for life and both the accused were ordered to pay the compensation of Rs.200,000/- to be paid to the legal heirs of deceased. Trial court made reference to this court for confirmation of death sentence. Appellant preferred appeal through Superintendent Central Prison, Hyderabad. It was admitted for regular hearing. This court vide judgment dated 23.10.2019, by single judgment decided the Criminal Appeal No.S-227 of 2017, Criminal Jail Appeal No.D-101 of 2017 and Confirmation Case No.19 of 2017, whereby the sentence of death awarded to the appellant Ali Murad was converted into imprisonment for life and the compensation was kept intact. Appeals and death sentence were accordingly disposed of.

It may be mentioned here that unfortunately this connected / off shoot appeal bearing Criminal Jail Appeal No.S-232 of 2018 under Section 23(1) (a) of Sindh Arms Act, 2013 was not fixed by the office alongwith main appeal on the aforesaid date. Explanation was called from the office and it is submitted that it was a bonafide mistake, the office is warned to be careful in future.

Miss Shazia Paras, learned advocate for appellant Ali Murad does not press this Criminal Jail Appeal No.S-232 of 2018 on merits on the ground that appellant has already served out the sentence of 05 years awarded to him but presently, he is confined in jail as the death sentence awarded to him in the main case bearing Criminal Jail Appeal No.D-101 of 2017 has been converted into imprisonment for life.

Mr. Nazar Muhammad Memon, Additional P.G. argued that appeal has become infructuous.

Since the learned advocate for appellant does not press this appeal on merits and the appellant has already served out the sentence, the appeal has become infructuous. Thus, appeal is dismissed as not pressed.

JUDGE

Tufail

