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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Appeal No.D-89 of 2012.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For Regular Hearing.
2. For Hearing of M.A.No.2527/2012.

16.4.2014.

Mr. Muhammad Iqbal Mahar, advocate for appellant.

Mr. Imtiaz Ali Jalbani, A.P.G.

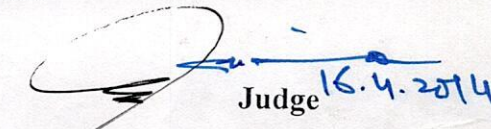
Appellant Muhammad Boota along with another accused Mehboob Ahmed was tried by the learned Sessions Judge/Special Judge for CNS, Kashmore at Kandhkot in CNS case No.07/2012 under section 9 (c), Control of Narcotic Substances Act, 1997 in Crime No.05/2011 registered at Excise Police Station Kashmore.

After full dressed trial, co-accused Mehboob Ahmed was acquitted by the judgment dated 24.10.2012, however, appellant Muhammad Boota was found guilty, he was convicted and sentenced under section 9 (c) of Control of Narcotic Substances Act, 1997 to suffer R.I for seven years and six months and to pay fine of Rs.35,000/-. In default of payment of fine, he was ordered to suffer S.I for six months more. Benefit of section 382-B, Cr.P.C was not extended to the appellant Muhammad Boota.

After arguing the appeal at some length, Mr. Muhammad Iqbal Mahar, learned advocate for the appellant Muhammad Boota stated that he would not press the appeal on merits, if benefit of section 382-B, Cr.P.C is extended to the appellant, as according to him, such benefit is mandatory in law. Learned A.P.G recorded no objection, if the appeal is dismissed on merits and benefit of section 382-B, Cr.P.C is extended to the appellant.

In view of the above stated circumstances, appeal is dismissed on merits, however, benefit of section 382-B, Cr.P.C is extended to the appellant Muhammad Boota, while relying upon the case of Ramzan and 3 others versus The State reported in PLD 1992 SC 11.

Appeal stands disposed of in the above terms.


Judge 16.4.2014