

**IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS**

Crl. Appeal No.S-02 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For hearing on M.A No.159/2025.
- 2. For hearing of main case.

01.10.2025

Mr. Afzal Karim Virk, advocate for appellants.
Mr. Mian Taj Muhammad Keerio, advocate for the complainant.
Mr. Neel Parkash, Deputy Prosecutor General Sindh.
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ORDER

The appellants have filed application under section 426 Cr.P.C seeking suspension of operation of impugned judgment dated 03.01.2025 vide which the appellants were convicted for the offence under sections 324, 337-A(i), 337-A(iv) and 337-U P.P.C as under: -

U/S 324 P.P.C.

Seven years (R.I) for committing attempt to murder of Abdul Ghani and to pay fine of Rs.50,000/- (Fifty thousand),and in case of default, he shall suffer S.I. for six months more.

U/S 337-A(i) P.P.C.

To pay Rs:10,000/- as Daman to the victim Abdul Ghani, in case of default he shall undergo S.I till realization of Daman Amount.

U/S 337-A(iv) P.P.C.

To pay Arsh to the victim Abdul Ghani, equivalent to the Fifteen percent (15%) of value of diyat notified by the Government for the financial year 2022-23, in case of default he shall undergo S.I till realization of Arsh Amount.

U/S 333 r/w section 337-U P.P.C.

To pay Arsh to the victim Abdul Ghani, equivalent to the one-twentieth of value of diyat for each tooth. Since the accused has caused itlaf of 10 teeth of viclim, he is liable to pay Arsh equivalent half of value of diyat notified by the Government

for the financial year 2022-23, in case of default he shall undergo S.I till realization of Arsh Amount.

Appellant/Accused Muhammad Bux

U/S 337-A(i) P.P.C

To pay Rs.10,000/- as Daman to the victim Mumtaz Ali, in case of default he shall undergo S.I till realization of Daman Amount.

Today counsel for the appellants, counsel for the complainant and learned D.P.G are heard on application U/S 426 Cr.P.C as the appellants have awarded sentence not more than 07 years with fine of Rs.50,000/-.

Learned counsel for the appellants submits that the sentence is short one and due to heavy backlog, the appeal would take some time for disposal; that appellants were on bail during trial and they did not misuse it, therefore, he prayed for suspension of sentence.

Learned counsel for the complainant as well as learned D.P.G have recorded their no objection.

Heard and perused.

Admittedly, the conviction and sentence awarded to the appellants is for 07 years and due to heavy backlog of cases, the appeal will take some time for disposal as held by the Hon'ble Supreme Court of Pakistan in the case of **Abdul Hameed V/S Muhammad Abdullah** reported in 1999 SCMR 2589. More so, learned counsel for the complainant as well as learned D.P.G have recorded their no objection for suspension of sentence.

In view of above, application for suspension of sentence U/S 426 Cr.P.C is allowed and sentence is suspended and the appellants Ilyas S/o Sukhio Khaskheli and Muhammad Bux S/o Sukhio Khaskheli are

admitted on bail subject to furnishing a solvent surety in the sum of Rs.50,000/- each and P.R. Bond in the like amount to the satisfaction of the learned Additional Registrar of this Court.

To come up after three weeks.

JUDGE

Faisal