

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Appeal. No. S - 333 of 2012

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For Katcha Peshi.
2. For hearing of M.A. No. 7192 of 2012.

22.01.2013.

Mr. Faheem Hussain Panhwar, Advocate for the appellant.

Mr. Shahzada Saleem Nahyoon, A.P.G. for the State.

1. By consent, this Criminal Appeal is admitted for regular hearing. Let the R & P be called and the paper book be prepared.

2. The learned counsel for the appellant submits that the appellant was convicted and sentenced on 18.10.2012 to three years under Section 409 PPC read with Section 5(2) of Act II of 1947. He submits that the appellant is entitled to suspension of his sentence as a matter of right under Section 426 Cr.P.C. In support of his submissions, he has relied upon two unreported Single Bench orders of this Court. I would like to refer here to two authorities of the Honourable Supreme Court ; namely, Abdul Hameed Vs. Muhammad Abdullah and others (1999 SCMR 2589) and Pervaiz Akhtar Vs. The State (1991 SCMR 1909), wherein short sentence of three years was suspended and bail was granted. The learned A.P.G submits that he has no objection if the sentence awarded to the appellant is suspended.

In the present case, the appellant was sentenced to three years. This appeal filed by him has not been decided within a period of six months of his conviction, there has been no delay or omission on the part of the appellant in the decision of this appeal, he is not a previously convicted offender for an offence punishable with death or imprisonment for life, he is not a hardened, desperate or dangerous criminal, nor is he accused of an act of terrorism punishable with death or imprisonment for life. Therefore, the appellant is entitled to the concession provided in Section 426 (1A) Cr.P.C.

Accordingly, with the consent of the learned A.P.G., the sentence awarded to the appellant is suspended. Let the appellant be enlarged on bail subject to his furnishing solvent surety in the sum of Rs.100,000.00 (Rupees one hundred thousand only) with a P.R. Bond in the like amount to the satisfaction of the Additional Registrar of this Court.

The application is disposed of in the above terms.

JUDGE

Tufail

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Appeal. No. S - 332 of 2012

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For Katcha Peshi.
2. For hearing of M.A. No. 7190 of 2012.

22.01.2013.

Mr. Faheem Hussain Panhwar, Advocate for the appellant.

Mr. Shahzada Saleem Nahyoon, A.P.G. for the State.

1. By consent, this Criminal Appeal is admitted for regular hearing. Let the R & P be called and the paper book be prepared.

2. The learned counsel for the appellant submits that the appellant was convicted and sentenced on 18.10.2012 to three years under Sections 409 and 34 PPC read with Section 5(2) of Act II of 1947. He submits that the appellant is entitled to suspension of his sentence as a matter of right under Section 426 Cr.P.C. In support of his submissions, he has relied upon two unreported Single Bench orders of this Court. I would like to refer here to two authorities of the Honourable Supreme Court ; namely, Abdul Hameed Vs. Muhammad Abdullah and others (1999 SCMR 2589) and Pervaiz Akhtar Vs. The State (1991 SCMR 1909), wherein short sentence of three years was suspended and bail was granted. The learned A.P.G submits that he has no objection if the sentence awarded to the appellant is suspended.

In the present case, the appellant was sentenced to three years. This appeal filed by him has not been decided within a period of six months of his conviction, there has been no delay or omission on the part of the appellant in the decision of this appeal, he is not a previously convicted offender for an offence punishable with death or imprisonment for life, he is not a hardened, desperate or dangerous criminal, nor is he accused of an act of terrorism punishable with death or imprisonment for life. Therefore, the appellant is entitled to the concession provided in Section 426 (1A) Cr.P.C.

Accordingly, with the consent of the learned A.P.G., the sentence awarded to the appellant is suspended. Let the appellant be enlarged on bail subject to his furnishing solvent surety in the sum of Rs.100,000.00 (Rupees one hundred thousand only) with a P.R. Bond in the like amount to the satisfaction of the Additional Registrar of this Court.

The application is disposed of in the above terms.

JUDGE

Tufail

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Appeal. No. S - 331 of 2012

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For Katcha Peshi.
2. For hearing of M.A. No. 7188 of 2012.

22.01.2013.

Mr. Faheem Hussain Panhwar, Advocate for the appellant.

Mr. Shahzada Saleem Nahyoon, A.P.G. for the State.

1. By consent, this Criminal Appeal is admitted for regular hearing. Let the R & P be called and the paper book be prepared.

2. The learned counsel for the appellant submits that the appellant was convicted and sentenced on 18.10.2012 to three years under Sections 409 and 34 PPC read with Section 5(2) of Act II of 1947. He submits that the appellant is entitled to suspension of his sentence as a matter of right under Section 426 Cr.P.C. In support of his submissions, he has relied upon two unreported Single Bench orders of this Court. I would like to refer here to two authorities of the Honourable Supreme Court ; namely, Abdul Hameed Vs. Muhammad Abdullah and others (1999 SCMR 2589) and Pervaiz Akhtar Vs. The State (1991 SCMR 1909), wherein short sentence of three years was suspended and bail was granted. The learned A.P.G submits that he has no objection if the sentence awarded to the appellant is suspended.

In the present case, the appellant was sentenced to three years. This appeal filed by him has not been decided within a period of six months of his conviction, there has been no delay or omission on the part of the appellant in the decision of this appeal, he is not a previously convicted offender for an offence punishable with death or imprisonment for life, he is not a hardened, desperate or dangerous criminal, nor is he accused of an act of terrorism punishable with death or imprisonment for life. Therefore, the appellant is entitled to the concession provided in Section 426 (1A) Cr.P.C.

Accordingly, with the consent of the learned A.P.G., the sentence awarded to the appellant is suspended. Let the appellant be enlarged on bail subject to his furnishing solvent surety in the sum of Rs.100,000.00 (Rupees one hundred thousand only) with a P.R. Bond in the like amount to the satisfaction of the Additional Registrar of this Court.

The application is disposed of in the above terms.

JUDGE

Tufail

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Appeal. No. S - 332 of 2012

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For Katcha Peshi.
2. For hearing of M.A. No. 7190 of 2012.

22.01.2013.

Mr. Faheem Hussain Panhwar, Advocate for the appellant.

Mr. Shahzada Saleem Nahyoon, A.P.G. for the State.

1. By consent, this Criminal Appeal is admitted for regular hearing. Let the R & P be called and the paper book be prepared.

2. The learned counsel for the appellant submits that the appellant was convicted and sentenced on 18.10.2012 to three years under Sections 409 and 34 PPC read with Section 5(2) of Act II of 1947. He submits that the appellant is entitled to suspension of his sentence as a matter of right under Section 426 Cr.P.C. In support of his submissions, he has relied upon two unreported Single Bench orders of this Court. I would like to refer here to two authorities of the Honourable Supreme Court ; namely, Abdul Hameed Vs. Muhammad Abdullah and others (1999 SCMR 2589) and Pervaiz Akhtar Vs. The State (1991 SCMR 1909), wherein short sentence of three years was suspended and bail was granted. The learned A.P.G submits that he has no objection if the sentence awarded to the appellant is suspended.

In the present case, the appellant was sentenced to three years. This appeal filed by him has not been decided within a period of six months of his conviction, there has been no delay or omission on the part of the appellant in the decision of this appeal, he is not a previously convicted offender for an offence punishable with death or imprisonment for life, he is not a hardened, desperate or dangerous criminal, nor is he accused of an act of terrorism punishable with death or imprisonment for life. Therefore, the appellant is entitled to the concession provided in Section 426 (1A) Cr.P.C.

Accordingly, with the consent of the learned A.P.G., the sentence awarded to the appellant is suspended. Let the appellant be enlarged on bail subject to his furnishing solvent surety in the sum of Rs.100,000.00 (Rupees one hundred thousand only) with a P.R. Bond in the like amount to the satisfaction of the Additional Registrar of this Court.

The application is disposed of in the above terms.

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