

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Cr. Rev. Appl. No. S - 139 of 2012

DATE ORDER WITH SIGNATURE OF JUDGE

1. For orders on MA 89/2013.
2. For orders on MA 27/2013.
3. For orders on MA 7165/2012.
4. For orders on MA 6967/2012.
5. For Katcha Peshi.
6. For orders on MA 6968/2012.

22.01.2013.

Mr. Muhammad Azhar Arain, Advocate for the applicant.

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

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1 to 4. All these applications for urgent hearing have become infructuous. Accordingly, the same are dismissed.

5. By consent, this Criminal Revision Application is admitted for regular hearing. Let the R & Ps be called and Paper Book be prepared.

6. The learned counsel for the applicant submits that applicant was convicted and sentenced under Section 489-F PPC for three years. He submits that the applicant 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 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). In both the said authorities, 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 applicant is suspended.

In the present case, the applicant was sentenced to three years on 28.07.2012, 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 applicant in the decision of this appeal, the applicant is not a previously convicted offender for an offence punishable with death or imprisonment for life, the applicant is not a hardened, desperate or dangerous criminal, nor he is accused of an act of terrorism punishable with death or imprisonment for life. Therefore, the applicant 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 applicant is suspended. Let the applicant 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