

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Crl. Jail Appeal No.261 OF 2007

Date Order with signature of Judge

Date of hearing : 19.12.2007.

Mr. Abdul Razzak, Advocate for the Appellant.

Mr. Syed Ashfaq Rizvi learned Special Prosecutor, ANF.

YASMIN ABBASEY, J: This second appeal has been preferred by appellant Samuel Chukwu against conviction in crime No.35/2006 under section 9/B of Control of Narcotic Substance Act, 1997.

Before proceeding with the present appeal, it would be proper to refer the order passed on 01.08.2007 in the earlier Criminal Jail Appeal No.168/2007 by this very appellant against this very judgment of Special Judge-II, (CNS) Karachi dated 12.02.2007.

After considering material available on record it was observed by the bench in Criminal Jail Appeal No.168/2007 that the learned Trial Court had already taken a lenient view and no further leniency could be shown in the crime where the heroin is recovered. However, being a foreign national, fine amount was reduced from Rs.100,000/- to Rs.50,000/- and in default thereof to suffer three months S.I. instead of six months.

After disposal of appeal again this second appeal on same grounds apparently is not maintainable as all the grounds taken were considered while passing the judgment. Anyhow, even if appellant is aggrieved by the order of this court passed on 01.08.2007 proper course for him is to challenge the same instead of filing another appeal on the same ground before the same Court. With the above observations, appeal having no merits is hereby dismissed in limini.

Karachi,

Dated: _____

J U D G E