

*ORDER SHEET*  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD.**

Cr. Appeal No.S-33 of 2015

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DATE

ORDER WITH SIGNATURE OF JUDGE

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16.09.2015.

Mr. Badal Gahoti Advocate for the appellant.  
Syed Meeral Shah Deputy Prosecutor General Sindh

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This Criminal Appeal was filed before this court on 26.02.2015 against conviction of accused u/s 392 PPC r/w section 20 Harabbah. The R & Ps was called from the trial court The trial court has informed that R & Ps was sent to the Federal Shariat Court. The appellant has also invoked jurisdiction of Federal Shariat Court by filing his appeal before Federal Shariat Court against the same Judgment. It has been stated at the bar that perhaps the appeal before Federal Shariat Court may have been filed by another accused, who was also convicted in the same crime No.105/2012 of P.S Baldia Hyderabad u/s 392 PPC. Letter of Assistant Registrar Federal Shariat Court Karachi does not disclose the name of the appellant, therefore, it cannot be decided at this stage that whether the present appellant preferred appeal before Federal Shariat Court or not.

Learned DPG has drawn my attention to the impugned Judgment wherein punishment has been awarded u/s 265- H(ii) Cr.P.C for offence u/s 392 PPC and there is no reference of offence under Hudood Ordinance. Prima facie atleast present appellant's case was not of Federal Shariat Court, however, since the R & Ps has been sent by the trial court to the Federal Shariat Court Karachi in response to their letter dated 03.03.2015, the same is not available. In absence of R & Ps and above circumstances, unfortunately case cannot be proceeded today. Additional Registrar of this court is directed to make inquiry from the Federal Shariat Court about details of appeal, name of the

appellant and if no appeal has been preferred by the present appellant before Federal Shariat Court Karachi, said court may be requested to provide one set of R & Ps so that this case may be proceeded on its own merits. Additional Registrar should complete this exercise within three days and place copy of R & Ps or proper reply of the Federal Shariat Court before this court on next date.

To come up on 22.09.2015

JUDGE

A.K