

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**
Cr. Appeal No.S-119 of 2015.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on office objection.
2. For hearing of M.A. No.8009 of 2015.

07.10.2015.

Mr. Haji Ghulam Mustafa Khan Gopang, Advocate for the appellant.

Mr. Shahid Ahmed Shaikh, A.P.G.
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1. Learned counsel is directed to comply with the office objection before next date.
2. Through instant application under section 426 Cr.P.C, appellant seeks suspension of the judgment dated 27.07.2015, passed by the learned Sessions Judge, Tando Muhammad Khan in Crime No.14/2015, registered with Police Station Mula Katiar, under section 23(1)A Sindh Arms Act, 2013, whereby the appellant was convicted and sentenced to suffer R.I. for 02 years and fine of Rs.10,000/-.
2. Learned counsel for the appellant mainly presses the instant application on the ground that the appellant was convicted under section 23(i)A of Sindh Arms Act and sentenced to suffer R.I. for 02 years and pay fine of Rs.10,000/-, which is a short sentence and the disposal of main appeal would take time. He submits that the impugned judgment is capricious and is based on presumptions, suppositions, conjectures and surmises. He further submits that the sentence in the facts and circumstances of the case is harsh; therefore, he may be released on bail during pendency of instant appeal.
3. Learned A.P.G. has frankly conceded to the suspension of the sentences awarded to the appellant during pendency of main appeal, on the ground that the sentence is short one.

4. Heard arguments of the learned counsel for the parties and perused the record.

5. Learned counsel for the appellant while arguing the present application relied upon the case of **NAZEER ALI alias NAZEER v. THE STATE (2011 Y L R 403)**, in which the sentence awarded to the accused was of 05 years and the learned Division Bench of this Court while treating the same as short sentence suspended the same. In the present case the sentence awarded to the appellant is R.I. of 02 years; the instant appeal is pending since 27.08.2015; appellant is behind the bars since his arrest; that looking to the backlog of appeals/cases at this Circuit, disposal of main appeal in near future is not in sight; that keeping the appellant behind the bars will not serve any purpose, because at the time of hearing of main appeal in case the appellant succeeds then agony already suffered by him while remaining in jail could not be measured in term of money. Accordingly, considering the facts and circumstances of the case, suspension of the impugned judgment at this stage would be just.

6. In view of above, the operation of the impugned judgment dated 27.07.2015 is suspended during pendency of main appeal and the appellant is directed to be released on bail subject to furnishing solvent surety in the sum of Rs.30,000/- (Rupees thirty thousand) and P.R. Bond in the like amount to the satisfaction of Additional Registrar of this Court.

M.A. No.8009 of 2015 stands

JUDGE

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