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ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

Cr. Appeal No. D-54 of 2018

Cr. Jail Appeal No. D-70 of 2018

Date	Order with signature of Judge
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1. For order on office objection.
2. For hearing of case.
3. For order on M.A No.4244/2018 (Application U/S 426 Cr.P.C).

29-01-2018

Mr. Muhammad Aslam H. Jatoi, advocate for the appellant.

Mr. Sharafuddin Kaanhar, A.P.G for the State.

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Learned counsel for the appellant at the very out submits that he does not wish to press Cr. Jail Appeal No.D-70/2018 and submits that he would press only Cr. Appeal No.D-54/2018 filed by the appellant through his counsel. Learned A.P.G. has no objection. Accordingly Cr. Jail Appeal No.D-70/2018 is dismissed as not pressed.

Learned counsel for the appellant submits that appellant has been awarded sentence to 5 years and the term awarded to him falls within the ambit of short sentence and has placed his reliance on the case of *Abdul Hameed V/S Muhammad Abdullah (1999 SCMR 2589)*. He further submits that appeal is fresh one and it will take sufficient time due to pendency of heavy backlog of cases upon the board of this court even paper book will take sufficient time in its preparation.

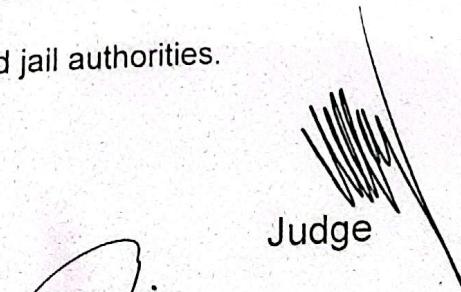
Learned A.P.G. confronted with the above contentions and in view of the case of *Abdul Hameed (supra)* has recorded his no objection.

We have heard the learned counsel for the appellant, learned A.P.G. and have gone through the file.



It is admitted position that the appellant has been awarded sentence to undergo for 5 years and the term so awarded has been treated as short term by the Honourable Supreme Court of Pakistan in the case of Abdul Hameed (*supra*). Besides there is pendency of heavy backlog of cases upon the board of this court, therefore, appeal would take sufficient time in its decision. Accordingly in view of no objection as well as in view of dictum laid down by the Honourable Supreme Court of Pakistan in the case of Abdul Hameed (*supra*), we allow instant application being M.A No. 4244/2018 (Appln. U/S 426 Cr.P.C) and suspend the operation of impugned judgment dated 05.09.2018, passed by Sessions/Special Judge CNS, Larkana in Special Narcotics Case No.85 of 2018, till final decision of main appeal. Consequently the appellant is admitted to bail subject to furnishing solvent surety in the sum of Rs.100,000/- and P.R bond in the like amount to the satisfaction of Additional Registrar of this Court.

To come up on 20.02.2019. Office is directed to expedite the preparation of paper book preferably within two weeks. Meanwhile, fresh jail roll of the appellant may be called from the concerned jail authorities.


Judge
Judge