

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, YDERABAD.

C.P. No.D-366 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of MA-2179/21 (exemption)
For hearing of main case.

Present:-

Mr. Justice Adnan-ul-Karim Memon.

Mr. Justice Adnan Iqbal Chaudhry.

24.11.2021

Mr. K.B. Leghari advocate for petitioner.
Mr. Jangu Khan, Special Prosecutor NAB.

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Adnan Iqbal Chaudhry J.- By judgment dated 01.03.2021 passed by the Accountability Court Hyderabad in NAB Reference No. 20/2016, the Petitioner has been convicted under section 10 of the NAO and sentenced to R.I. of two years and fine of Rs.20,00,000/-. Pending determination of his Accountability Appeal No. 43/2021, the Petitioner pray for suspension of sentence and grant of bail.

The Petitioner was tried for abetting misappropriating funds of a scheme for the development of a wildlife safari at Boharki Forest, Badin by way of fabricating vouchers of expenditure incurred on the civil works of the project. The finding appears to be that the Petitioner's brother, the co-accused Muhammad Sohail Sheikh who was a forest officer, had misappropriated Rs. 66,82,346/- along with other co-accused, and had then routed some of that money to his brothers. The Petitioner denies that and contends that the evidence shows that he received Rs. 33,00,000/- as a petty contractor for civil works of the project which were duly performed by him, and that the trial court has mis-read the evidence.

A determination of the Petitioner's appeal would require a reappraisal of the evidence. Given the work-load, and that such appeal is connected with the appeals of the co-accused persons, an early decision thereon appears to be unlikely. The sentence of 2 years awarded to the Petitioner is a short one; and as per the jail-roll, the Petitioner has already served 13 months of such sentence counting remission. The co-accused Irshad Ali Jesser, who was also awarded a short sentence of 1 year, has already been granted bail. In such circumstances, and since the Petitioner also remained on bail during the trial, the sentence awarded to the Petitioner is suspended during his appeal and he is admitted to bail subject to furnishing solvent surety in the sum of Rs. 300,000/- [Rupees Three Hundred Thousand Only], along with P.R. Bond in like amount to the satisfaction of the Additional Registrar of this Court. Petition stands disposed of accordingly. Needless to state that the observations hereinabove are only tentative and shall not be construed to prejudice the case of either side in appeal.

JUDGE

JUDGE

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