

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

C.P. No.D-365 of 2021

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DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.  
For hearing of MA-2185/21 (exemption)  
For hearing of main case.

*Present:-*

*Mr. Justice Adnan-ul-Karim Memon.*

*Mr. Justice Adnan Iqbal Chaudhry.*

**24.11.2021**

M/s. Sarfraz Ali Metlo and K.B. Leghari advocates for petitioners.

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, both Petitioners have been convicted under section 10 of the NAO and sentenced to R.I. of five years and fine of Rs.50,00,000/- each. Pending determination of their Accountability Appeal No. 42/2021, the Petitioners pray for suspension of sentence and grant of bail.

The Petitioners were tried for misappropriating funds of a scheme for the development of a wildlife safari at Boharki Forest, Badin by fabricating vouchers of expenditure incurred on the civil works of the project. The finding appears to be that the Petitioner No. 2, a forest officer, had misappropriated Rs. 66,82,346/- along with other co-accused, and had then routed some of that money to his brother, the Petitioner No.1, and some to his other brother, the co-accused Muhammad Arsalan Sheikh. The Petitioners deny that and contend that in fact the evidence shows that the civil works being questioned were duly undertaken, and that the trial court has mis-read the evidence.

A determination of the Petitioners' 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 5 years awarded to the Petitioners is a short one; and as per the jail-roll, the Petitioners have already served 1 year and 9 months of such sentence counting remission. In such circumstances, and since the Petitioners also remained on bail during the trial, the sentence awarded to the Petitioners is suspended during their appeal and they are admitted to bail subject to furnishing solvent surety in the sum of Rs. 500,000/- [Rupees Five Hundred Thousand Only] each, 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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