

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

Criminal Revision Application No.S-115 of 2021

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For orders on M.A. No.12194/2021.

**08.11.2021**

Mr. Abdul Sattar Mahessar, Advocate for the applicant/convict.  
Mr. Nazar Muhammad Memon, Additional Prosecutor General, Sindh.

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Urgency is granted.

The applicant/convict through application being M.A. No. 7067 of 2021 which is filed under section 426 Cr.P.C seeks suspension of his sentence being short one during pendency of captioned revision application. The applicant has impugned the judgment dated 13.10.2020 passed by the learned Model Trial Magistrate Court-II, Judicial Magistrate-I, Hyderabad whereby he was convicted and sentenced for offence under section 489-F P.P.C for two years simple imprisonment punishment with fine of Rs.10,000/- and in default whereof to undergo further simple imprisonment for one month, however the appeal filed against the aforesaid judgment was also dismissed by the learned 8<sup>th</sup> Additional Sessions Judge Hyderabad vide judgment dated 06.07.2021.

2. Learned counsel for the applicant mainly contended that the sentence awarded to the applicant is short one and he was on bail during trial. He further contends that this revision application is pending before this Court since last four months without hearing. He further submits that due to heavy backlog at this circuit hearing of the instant revision application will take time, therefore, he prays for grant of M.A. No.7067 of 2021.

3. On the other hand, Mr. Nazar Muhammad Memon, Additional Prosecutor General, Sindh who is present in other matters waives notice and formally opposed for suspension of sentence.

4. I have carefully examined the contentions of learned counsel for the respective parties and gone through the material available on the record. It is argued by the learned counsel for the applicant that the applicant is behind the bar since 06.07.2021 and the sentence awarded to him is short one. Furthermore, in the case of *Abdul Hameed v.*

*Muhammad Abdullah and others* reported in 1999 SCMR page 2589, the Hon'ble Supreme Court of Pakistan has held as under:

*“Since sentence awarded to the petitioner was short as it was enhanced by the learned Additional Sessions Judge from three years to five years, it was a fit case in which the learned Judge in Chambers should have exercised the discretion in favour of the convict.”*

5. In view of above, taking guidelines from the above case law, the sentence awarded to the applicant apparently is short one viz. sentenced to undergo Simple imprisonment for two years each and disposal of this revision application would take some time due to heavy backlog of cases on the board of this Court, therefore, the sentence awarded to the applicant is hereby suspended during pendency of the revision application . Consequently, application being M.A. No.7067 of 2021 is allowed. The applicant is directed to be released on bail subject to furnishing solvent surety in the sum of Rs.50,000/= (Rupees Fifty Thousand) and P.R bond in the like amount to the satisfaction of Additional Registrar of this Court.

JUDGE

*Muhammad Danish\**