

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

Criminal Revision Application No.S-98 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

1. For orders on office objections.
2. For hearing of main case.
3. For orders on M.A. No.12096/2021.

19.11.2021

Mr. Bilawal Ali Ghunio, Advocate for the applicant/convict.
Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.

Mr. Ghulam Mustafa Dahri, Advocate files Vakalatnama on behalf of the complainant who is also present in Court.

==

An application under section 561-A Cr.P.C being M.A. No.12096 of 2021 is converted into an application under section 426 Cr.P.C which is filed by the applicant/convict praying therein for suspension of his sentence as the same is short one during pendency of this revision. The applicant has impugned the judgment dated 26.10.2021 passed by the learned Additional Sessions Judge-I/MCTC Dadu, whereby his conviction and sentence for the period of 11 months simple imprisonment with fine of Rs.20,000/- and in default whereof to undergo further for six months simple imprisonment awarded to him by the learned Civil Judge & J.M-I/MTMC Dadu was maintained.

2. Learned counsel for the applicant/convict mainly contended that the sentence awarded to the applicant is short one. He further contends that this revision application is pending before this Court since sufficient time 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.12096 of 2021.

3. On the other hand, Ms. Rameshan Oad, Assistant Prosecutor General, Sindh who is present 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 26.10.2021 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 11 months 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.12096 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**