

## **ORDER SHEET**

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

***Criminal Revision No. S – 83 of 2019***

Date

Order with Signature of Hon'ble Judge

**For hearing of case**

1. For orders on office objection at flag 'A'
2. For hearing of main case

**16.9.2019**

Mr. Qurban Ali Malano and Ms. Amber Iqbal Advocates for the Applicant  
Mr. Khalil Ahmed Maitlo, DPG for the State

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**Aftab Ahmed Gorar, J;** Applicant Ali Asghar Chachar was tried by learned 1<sup>st</sup> Civil Judge and Judicial Magistrate Ghotki for offence under section 489-F PPC and vide judgment dated 08.9.2018, he was convicted and sentenced to suffer Simple Imprisonment for one year with fine of Rs.10,000/-. At the first call the applicant was present before the trial Court but at the time of pronouncing the judgment he was absent. The applicant preferred his Criminal Appeal before learned Sessions Judge Ghotki, which was entrusted to learned 2<sup>nd</sup> Additional Sessions Judge Ghotki, which was also dismissed vide judgment dated 20.8.2019 and the applicant was remanded to jail for serving out his sentence, hence the applicant has preferred instant Criminal Revision Application.

2. Learned counsel for applicant mainly contended that sentence is short one and hearing of Criminal Revision would take long time due to backlog of cases. He further contended that applicant was on bail before the two Courts below. In support of his contention he has relied upon cases of ***Abdul Hameed v. Muhammad Abdullah and others (1999 SCMR 2589)*** and ***Nazeer Ali alias Nazeer v. The State (2001 YLR 403)***.

3. Learned DPG for the State recorded no objection for suspension of sentence during pendency of the instant Criminal Revision Application.

4. After hearing learned counsel for the parties, I have carefully perused the impugned judgments passed by two Courts below. From perusal of judgments, it transpired that applicant has been convicted and sentenced for 01 year, which is the short one. Furthermore, the applicant has remained on bail during trial as well as before the appellate Court. Keeping in view the huge pendency of appeals, hearing of instant Criminal Revision Application would take some time. In case of Abdul Hameed (supra) Hon'ble Supreme Court suspended the sentence while holding that sentence was a short one. It is held as follows;

*“On the other hand, Mr. S. M. Masud, learned advocate Supreme Court, for the petitioner, has argued that the learned Additional Sessions Judge without putting to the petitioner the notice as to the enhancement of the sentence and without hearing the arguments, enhanced the imprisonment for three years to five years and the amount of Rs. 5,000/- to Rs. 10,000/-. Without going to the question, whether any notice was issued for the enhancement by the learned Additional Sessions Judge (as according to the State counsel such a notice was issued). We are inclined to hold that since the sentence was short and as the sentence was enhanced by the learned Additional Sessions Judge from three years to five years, it was fit case in which the learned Judge in Chambers should have exercised the discretion in favour of the convict. We convert the above petition into appeal and admit the petitioner to bail in the sum of Rs. 2,00,000/- (two lacs) with one surety in the like amount to the satisfaction of the trial Court”.*

5. Keeping in view the dictum laid down in the aforesaid authority and since the sentence of one year is short one, therefore, sentence awarded to the applicant Asghar Ali Chachar is suspended during pendency of instant Criminal Revision subject to his furnishing solvent surety in the sum of **Rs.100,000/- (One Lac)** with PR bond in the like amount to the satisfaction of Additional Registrar of this Court.

6. The Main Criminal Revision is adjourned to **21.10.2019**.

*Judge*