

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Revision Appln. No. S- 32 of 2021.

<i>Date of hearing</i>	<i>Order with signature of Judge</i>
------------------------	--------------------------------------

12.07.2021.

1. For hearing of M.A. No. 2108 (U/S: 426 Cr.P.C).
2. For hearing of main case.

Mr. Abdul Rasool Abbasi, Advocate for applicants.
None present for complainant, though notice issued.

~~~~~

1. This is date by Court case fixed today, but inspite of repeated calls, the complainant is not in attendance; no intimation received. Learned counsel for applicants insists for hearing of an application under Section 426 Cr.P.C, on the ground that the sentence is short one and applicants are incarcerated in jail since 30.4.2021. As such, the counsel for applicants has been heard on the listed application, and the record of the case has been perused with his assistance. Primarily, through listed application under Section 426 Cr.P.C, the applicants Abdul Sattar and Khalil Ahmed have sought for suspension of their sentence awarded to them by learned trial Court i.e. 2<sup>nd</sup> Civil Judge/ Judicial Magistrate/MTMC, Mehar, vide judgment dated 18.12.2020, whereby they were convicted and sentenced for offence under Section 342 P.P.C to suffer S.I for two months; for the offence under Section 506 P.P.C to suffer S.I for three months and for offence under Section 511 P.P.C to suffer R.I for two years with fine of Rs.20,000/- and default whereof to suffer S.I for two months more in Criminal Case No.209/2020 re; State v. Abdul Sattar and another, arisen out of Crime No.25/2020 of P.S Radhan Station. The aforesaid convictions and sentences were upheld by learned Appellate Court i.e. Additional Sessions Judge-I/Model Criminal Trial Court, Dadu, vide its judgment dated 30.04.2021.

Learned counsel for applicants contended that the applicants were on bail during trial as well as during pendency of appeal and that since the sentence is short one, and the hearing of appeal will take time. He emphasized that it is a well-settled principle of law that during the pendency of an appeal/revision the convict may not be kept in custody till his appeal/revision is fixed for hearing and earlier decision thereon, but in this case, the hearing of

main Revision Application will consume sufficient time to have the decision on merit, therefore, the sentences awarded to applicants may be suspended till the decision of this revision application and applicants may be enlarged on bail. Learned counsel placed his reliance upon case of *Abdul Hameed v. Muhammad Abdullah and others* (1999 SCMR 2589).

The sentence of imprisonment passed by the learned trial Court against applicants was quite a short one. The instant revision Application is admitted for hearing and definitely, its hearing will take time. Resultantly, the sentence awarded to applicants vide impugned judgment is hereby suspended during the pendency of revision Application and the applicants Abdul Sattar and Khalil Ahmed are admitted to bail upon their furnishing solvent surety in the sum of Rs.50,000/- (*Fifty thousand rupees*) **each** and P.R Bonds in the like amount before the Additional registrar of this Court.

2. To come up on **30.08.2021**, after due notice to all concerned. The office is directed to call for R & Ps from the learned trial Court and in the meanwhile repeat notice to complainant.

Judge