

ORDER SHEET

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

*Cr. Appeal No. D - 94 of 2011*

*Cr. Appeal No. D - 98 of 2011*

*Cr. Appeal No. D - 99 of 2011*

*Cr. Appeal No. D - 72 of 2012*

Date of hearing	Order with signature of Judge
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**20.06.2018**

Mr. Shamsuddin N. Kobhar, Advocate for the appellant  
in Cr. Appeal No. D-94/2011.

Mr. A. R. Faruq Pirzada, Advocate for the appellants  
in Cr. Appeals Nos. D-98/2011, D-99/2011 and 72/2012.

Mr. Abdul Rehman Kolachi, Deputy Prosecutor General for the State.

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At the outset, learned counsel for respective appellants contend that they would not press these appeals on merits, however, remission awarded by jail authorities shall be counted in their sentence. As well as it is contended that conviction is awarded in different crimes and on different counts, therefore, it would be in the interest of justice to remove embargo as provided under *Section 397, Cr.P.C.*

In contra, learned DPG contends that with regard to remission and applicability of *Section 397, Cr.P.C.*, as defined in case of *Shah Hussain* reported as **PLD 2009 SC 460**, jail authorities would proceed competently in accordance with law.

In view of above, captioned appeals are dismissed with observation that the appellants would be entitled for the benefit of *Section 382-B, Cr.P.C.*, which is already extended by the trial Court. However, jail authorities would be competent to apply *Section 397, Cr.P.C.*, within the guidelines provided by the **Apex Court**, in the case of *Shah Hussain* (supra).

J U D G E

J U D G E

Abdul Basit