

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Appeal No. 326 of 2021**

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<i>Date</i>	<i>Order with Signature of Judge</i>
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1. For hearing of Case.
2. For hearing of M.A No.6166/2021.

**26.01.2023**

None present for the Appellant.  
Mr. Siraj Ali Khan Chandio, Addl. Prosecutor General, Sindh along with  
Mr. Muhammad Farooq Bugti, Deputy Secretary, S&GAD Department,  
Government of Sindh.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through instant Criminal Appeal, appellant Deedar Ali Meerani has assailed the judgment dated 29.04.2021 passed by learned Special Judge, Anti-Corruption (Provincial), Karachi in Special Case No.21/2019 (re-the State Versus Deedar Ali Meerani) whereby he has been convicted under Section 245(2) Cr.P.C for the offences punishable under Section 420 PPC and sentenced to suffer R.I for two years and to pay fine of Rs.50,000/-. In case of default in payment of fine, he was further directed to suffer S.I for six months more. He was further convicted for the offence punishable under Section (2) Prevention of Corruption Act, 1947 and sentenced to suffer R.I for three years. However, benefit of section 382-B Cr.P.C was also extended to appellant.

2. The appellant preferred instant appeal before this Court which by means of order dated 23.06.2021 was admitted to regular hearing.

3. Per available charge, appellant being Excise & Taxation Inspector while posted in DIO Excise police station had detected/registered a case FIR No.02/2005 thereby had recovered 21 Kg of Charas from Mukhtiar Shah on 16.01.2005. After completion of investigation, he had also submitted challan before the Court having jurisdiction on 03.02.2005. It is further alleged that after registration of the case, neither he handed over the case file to any one nor case property of the crime was deposited by him in the Excise Malkhana nor was produced before the Court where case against accused Mukhtiar was pending for trial; hence, enquiry was conducted which resulted entailment of his involvement in this crime and therefore, was convicted and sentenced to by the trial Court on 29.04.2021 vide Special Case No.21/2019 (re-the State Versus Deedar Ali Meerani).

4. In compliance of directions issued under order dated 25.10.2022, jail authorities have submitted jail roll as well as report under letter bearing No.JB/4447/48 dated 23.01.2023, which reveals that appellant Deedar Ali Mirani after completion of his sentence, has been released on 13.08.2022. Today, neither the appellant nor his counsel is in attendance. Such lethargic attitude on the part of appellants shows he has no interest to contest instant appeal, therefore, has chosen to remain absent.

5. Before parting with this order, I am reiterate that right of appeal is creation of the statue, therefore, no one could be debarred or deprived of his right of audience. It is so settled that it hardly needs any authority. However, non-appearance of the appellant as well as his counsel right from the date of his release from jail shows either the appellant has no defense or he does not want to contest instant appeal. In the circumstances and in view of above conduct of the appellant as well as his counsel, instant appeal cannot be kept sine-die without its hearing, adjudication or progress for indefinite period. Therefore, instant appeal is hereby dismissed on account of above mentioned conduct of the appellant with clarification that if the appellant may or as and when appears then he may be at liberty to apply for resurrection of instant appeal by filing appropriate application. If such application is filed by the appellant, it shall be granted; however, with due notice to prosecution in advance and, then it will be heard and decided on its merit.

**JUDGE**

Zulfiqar/P.A