

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

Criminal Appeal No.S-45 of 2021
Criminal Revision Application No.S-54 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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05.05.2023

Mr. Shakir Ali Talpur, advocate for appellant in Criminal Appeal No.S-45 of 2021 and for respondent No.1 in Criminal Revision Application No.S-54 of 2021.

Mr. Wali Muhammad Khoso, advocate for complainant in Criminal Appeal No.S-45 of 2021 and for applicant in Criminal Revision Application No.S-54 of 2021.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh along with P.I. Muhammad Chagal on behalf of SSP Hyderabad and SIP Shahzad Qazi, SHO PS Tando Jam.

Through the impugned judgment dated 11.03.2021, the appellant Fida Hussain was convicted and sentenced R.I. for three years in crime No.115/2012 lodged by applicant/complainant Muhammad Bachal. Appellant Fida Hussain filed above captioned criminal appeal against his conviction and sentence whereas complainant Muhammad Bachal filed aforementioned criminal revision application for enhancement of his sentence.

2. During pendency of appeal, appellant Fida Hussain was admitted to bail on 12.07.2021; however, the appellant has not been attending the court, as such, his bail granting order was recalled and NBW or his arrest has been issued. These matters are pending since 2021. It appears that after grant of bail, the appellant has hardly appeared before the Court. Even today none is present. SHO PS Tando Jam has reported that the appellant has shifted to unknown place, which shows that the appellant has become a fugitive from law. The bail granted to the appellant was already recalled. In the case of ***'IKRAMULLAH and others v. The STATE'*** reported in **2015 SCMR 1002**, the Honourable Supreme Court of Pakistan has been pleased to dismiss the appeal, on account of the conduct of the appellant with a clarification that if the appellant is recaptured by the authorities or he surrenders to custody then he may apply before this Court seeking resurrection of this appeal.

3. The appeal in hand having similar circumstances as in the case of Ikramullah (supra), therefore, in view of the foregoing reasons, the criminal appeal stand **dismissed**. However, when the appellant is arrested, he may move the requisite application seeking revival of their appeal, which will be then

dealt in accordance with law. Let NBW in perpetuity be issued against the appellant. NADRA is directed to immediately suspend the CNIC of the appellant and file its compliance report through the Additional Registrar. Bail bond/surety of the appellant Fida Hussain are forfeited.

4. Since the criminal appeal of the appellant Fida Hussain stands dismissed, learned counsel for the applicant/complainant states that the criminal revision application has become infructuous. Accordingly, the criminal revision application also stand **dismissed** as infructuous.

JUDGE

Abdullah Channa/PS