

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Crl. Appeal No. 154 of 2023

Crl. Appeal No. 155 of 2023

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**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

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For hearing of main case.

**10-04-2023**

Mr. Muhammad Akbar Khan, Advocate for appellant in Crl. Appeal No.154 of 2023.

Mr. Shaukat Hayat, Advocate for appellant in Crl. Appeal No.155 of 2023.

Mr. Talib Ali Memon, APG.

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**Omar Sial, J:** Syed Faqir Hussain (Criminal Appeal No. 154 of 2023) and Rafiuddin (Criminal Appeal No. 155 of 2023) were convicted for offences under sections 420, 468, 477-A P.P.C. and section 5(2) of the Prevention of Corruption Act, 1947 to various prison terms ranging from one year to 4 years in addition to the payment of fine aggregating Rs. 150,000.

2. Both appellants, through Criminal Misc. App Nos 3289 and 3292 of 2023 have sought suspension of their sentence and release on bail pending adjudication of this appeal. I have heard the learned counsels for the appellants and the learned APG.

3. The judgment impugned in these appeals was rendered on 03.03.2023. The appeal was filed on 15.03.2023 and the same was admitted for regular hearing on 20.03.2023. This court has been inundated with criminal cases, the gravity of which situation, due to many reasons has increased exponentially. It would be inappropriate to delve into the reasons for the backlog, however, suffice to say, that in cases such as the present one, where it is a short sentence awarded, in all likelihood the appeal will not be heard until the appellants have undergone their sentence. This would not be fair to them, especially if this Court reaches the conclusion that the appellants were not guilty of the offence with which they were

charged. Needless to say, any family a member of which is in jail, undergoes tremendous hardship and tribulations. In the current case, the paper book is yet to be made.

4. Suspension of sentence is not the preferred route in my opinion. Appellants, once admitted to bail, are reluctant to proceed with the appeal and on most occasions find excuses to linger on with the case, hence, the final adjudication is delayed. Unfortunately, if the sentence is not suspended, the only options before me are that I hear these appeals giving them priority over many others filed way earlier in time or let the appellants languish in jail without their appeal being heard and until they have completed their sentence. It would be unfair on both counts. Solely for the reasons highlighted in this opinion, the sentence awarded to the appellants is suspended and they are admitted to bail against a surety of Rs. 500,000 each and P.R. Bonds in the like amount to the satisfaction of this court. This bail order is also conditional on the regular appearance of the appellants with their counsel on every date when the appeal is fixed for hearing. If the appellants remain absent or their respective counsels seek an adjournment on more than 3 occasions, the concession of bail granted to them today will be automatically recalled.

JUDGE