

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
Cr. Appeal No. 523 of 2022

Date	Order with signature of Judge
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- 1.For hearing of case
- 2.For hearing of MA No.10737/2022

25.07.2023

None present for the appellant.
Mr. Faheem Hussain Panhwar, DPG.

None present for the appellant. The appellant was tried for the offence punishable under Section 23(i)(a) of Sindh Arms Act, 2013 and sentenced to undergo R.I. for seven years and to pay fine of Rs.25000/- , the appellant was extended the benefit under section 382-B, Cr.P.C.

The appellant has also preferred C.M.A No.10737/2022 under section 426, Cr.P.C., appellant Muhammad Qasim Abbasi has prayed for suspension of sentence awarded to him by the trial Court and enlargement on bail till disposal of instant appeal.

It is significant to mention that due to the pendency of heavy backlog on the board of this Court, it would not be possible to hear the main appeal and decide the same on merits in near future. It is well settled that while deciding the question of bail under section 426, Cr.P.C. on the ground of short sentence, the Court will not examine the merits of the main appeal. Reliance in this context can be made in the case of Abdul Hameed v. Muhammad Abdullah and others (1999 SCMR 2589) and Nazir Ahmed and 2 others (2005 PCr.LJ 657). In view of the case law referred supra, the quantum of sentence of 7 years awarded to the appellant by the trial Court, falls within the compass

of short sentence. Indeed, appellant is incarcerated in jail since his arrest i.e. 21.02.2021. Besides this, considering the heavy backlog of pendency of cases in the docket of this Court, there is no probability of disposal of instant criminal appeal in near future.

Consequently, instant application stands allowed and sentence awarded to the appellant is suspended. Resultantly, appellant is enlarged on bail on his furnishing solvent surety in the sum of Rs.25,000/= and P.R. bond in the like amount to the satisfaction of Nazir of this Court. Let the order be communicated to the appellant by the office/Superintendent Central prison, Karachi.

JUDGE

Aadil Arab