

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

Criminal Revision Application No.S-117 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For hearing of M.A.No.641/ 2024.
3. For hearing of main case.

24.06.2024

Mr. Ramz Ali Mari advocate for the applicants.

Victim Mst. Kalsoom (wife of applicant No.1) is present in person.

Complainant is present in person.

Mr. Shahzado Saleem, A.P.G for the State.

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Complainant Shafi Muhammad is present in person.

Mr. Muhammad Qaeem Pahore advocate files his *Vakalatnama* on behalf of complainant. Per record on 14-06-2024 complainant was present in court and Mr. Santosh Kumar Khatri advocate filed his *Vakalatnama* on behalf of complainant, which was taken on record. He claimed copy of memo of revision application alongwith annexures and then matter was adjourned to today. Today, Mr. Muhammad Qaeem Pahore advocate files second *Vakalatnama* on behalf of complainant, which is also taken on record. He admits that copy of revision application alongwith annexures has been handed over to him, however, seeks time.

Learned counsel for applicants/ convicts submits that applicants Soomar, Javed and Anwar Ali, all by caste Pahore, were booked under Crime No. 34/ 2022 registered at P.S Sindhri for offence punishable under sections 365-B, 34 PPC r/w sections 3 and 4 of Sindh Child Marriage Restrained Act, 2013. After full dressed trial they were convicted by the court of Civil Judge and J.M-III, Mirpurkhas vide judgment dated 31-05-

2024 in Criminal Case No. 305/ 2022 Re: The State v. Soomar Pahore and others and were sentenced for 02 years with fine of Rs.10,000/= each; hence applicants maintained Criminal Appeal No. 03/ 2024 before the Court of Sessions Judge, Mirpurkhas, who subsequently assigned it to Additional Sessions Judge-I, Mirpurkhas (appellate Court). He further submits that appeal of the applicants is pending adjudication before the appellate court, however, application in terms of section 426 Cr.P.C was declined through impugned order dated 11-06-2024; hence instant revision application has been maintained, therefore, by granting instant revision application applicants may be enlarged on bail during pendency of appeal so that they may be able to pursue their appeal.

Learned A.P.G submits that sentence awarded to the applicants is 02 years, which comes within ambit of short terms, therefore, he has no objection.

Victim Mst. Kalsoom, present before court on court notice, states that she has no objection for grant of instant revision application.

Mr. Muhammad Qaeem Pahore, learned counsel for the complainant, opposes the revision application on the ground that appeal is pending before the appellate court, therefore, applicants have no case for interference; hence instant revision application may be dismissed

Admittedly, appeal filed by applicants is still pending adjudication before the appellate court, which after hearing the parties is to be decided by the appellate court according to its merits. As far as revision application is concerned, same has been directed against impugned order passed by the appellant court on application u/s 426 Cr.P.C, which in view of quantum of the sentence being short term carries weight. Consequently, instant revision application is hereby allowed; impugned order dated

11-06-2024 is hereby set aside; applicants/ convicts named above are admitted to bail, they shall be released on bail during pendency of appeal subject to furnishing one solvent surety in the sum of Rs.50,000/= (Rupees fifty thousand only) each and P.R.Bond in the like amount to the satisfaction of learned appellate court.

JUDGE

"Saleem"