

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

Criminal Appeal No.S- 04 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

14.03.2022.

Mr. Ghazi Salahuddin Panhwar, Advocate for appellant.
Mr. Muhammad Ali Noonari, D.P.G for State.

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NAIMATULLAH PHULPOTO, J: Appellant Mubeen s/o Gul Hassan Khoso was tried by learned 2nd Additional Sessions Judge, Badin in Sessions Case No.98 of 2014 for offence u/s 25 of Sindh Arms Act, 2013. After regular trial, vide judgment dated 09th December, 2017 appellant was convicted u/s 25 of Sindh Arms Act, 2013 and sentenced to 05 years R.I and to pay the fine of Rs.5,000/-. In case of default in payment of fine, appellant was ordered to suffer SI for six months more. Appeal was admitted for regular hearing.

It is observed by the trial court in its' judgment dated 09.12.2017 that this is the off shoot case of main Sessions case No.215 of 2014 arising out of Crime No.37 of 2014 registered at Police Station Khoski for offences u/s 302, 34 PPC. It is further mentioned by trial court that the appellants / accused have been convicted in main case u/s 302, 34 PPC and sentenced to imprisonment for life.

Learned advocate for appellant as well as D.P.G jointly pointed out that appellant Mubeen and others have been acquitted today in the main case / crime referred above by way of compromise. So far this appeal in off shoot case is concerned, jail roll shows that appellant Mubeen has served excluding remission upto today (14.03.2022) 07 years, 07 months and 17 days. Since the appellant has been acquitted in main case u/s 302, 34 PPC by way of compromise, Mr. Ghazi Salahuddin Panhwar, learned advocate for appellant does not press this appeal on merits.

Learned D.P.G submits that the prosecution has succeeded to prove its' case against the appellant beyond shadow of doubt.

I agree with learned D.P.G that prosecution has proved its' case against the appellant on the basis of confidence inspiring evidence but instant appeal is not pressed by the learned advocate for appellant on merits and it is submitted that the appellant has already served the sentence which was awarded to him by the trial court. Appeal is not pressed on merits.

In the view of above, instant appeal is dismissed as having become infructuous. Let the copy of order be sent to the Superintendent Central Prison, Hyderabad for compliance.

JUDGE

Tufail