

# HIGH COURT OF SINDH AT KARACHI

Criminal Appeal No.536 of 2011

**Present:** Mr. Justice Syed Muhammad Farooq Shah  
Mr. Justice Muhammad Saleem Jessar  
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Appellant: Jameel alias Sikandar.

Respondent: The State through Mr. Mr. Muhammad Iqbal  
Awan, Assistant Prosecutor General Sindh.

Date of hearing: **20.07.2017**

## **JUDGMENT**

**SYED MUHAMMAD FAROOQ SHAH, J.**--- This is an appeal under section 48(1) of the Control of Narcotic Substances Act, 1997 against the impugned judgment in Special Case No.329/2010 authored by Mr. Sanaullah Khan Ghory and pronounced it on 17.08.2011, whereby the appellant was convicted and sentenced to suffer R.I. for five years and to pay fine of Rs.50,000/-, in default of payment of fine to suffer S.I. for one month more. At the time of pronouncement of judgment the appellant was in custody who was remanded back to jail custody to serve out the awarded sentence, however, he was extended benefit of section 382-B Cr.PC. The appellant was unrepresented.

2. The record reflects that by earlier order dated 29.02.2012, the appeal being statutory right was admitted to regular hearing and order for preparation of paper book was also passed and thereafter the appellant has not been represented by any counsel. Through the captioned appeal the appellant has made a prayer to set-aside the impugned judgment on various legal grounds, averred in the memo of appeal.

3. On issuance of production order, jail roll of appellant is submitted by the Superintendent, District Prison Malir, Karachi, wherein he has submitted that the appellant was admitted in the prison on 28.07.2010 in the subject case F.I.R. No.741/2010 under section 9(c) of the Control of Narcotic Substances Act, 1997, registered at P.S. Korangi Industrial Area, Karachi for possessing two kilograms of charas. The concerned

Superintendent Prison submitted that the above said convict / appellant was released on 07.03.2013 on expiry of sentence after getting remission and at present the said convict is not confined in the prison. In the wake of such development, learned Assistant Prosecutor General seeks disposal of this appeal on the ground of non-appearance of the appeal in the appeal since last four years after his release from the jail, which reflects that he has lost interest to contest the appeal. Therefore, per learned prosecutor, it may be futile exercise to linger on this appeal for indefinite period. We are in complete agreement with the learned A.P.G. and accordingly dismiss the appeal having become infructuous.

J U D G E

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*Gulsher/PS*