

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Criminal Appeal No.S-93 of 2024
Criminal Acquittal Appeal No.S-102 of 2024
Criminal Revision No.S-65 of 2024

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1.For hearing of MA 3811/2024 (426 Cr.P.C)
2.For hearing of main case

21st February, 2025

Mr. Achar Khan Gabol, Advocate for appellant in Crl. Appeal No.S-93/2024.
Syed Naimat Ali Shah, Advocate files power on behalf of complainant in Crl.
Appeal No.S-93 of 2024.
Syed Sardar Ali Shah, Additional P.G for the State.

Crl. Appeal No.S-93 of 2024: Through listed application under Section 426, Cr.P.C, the appellants Rehmatullah, Saadullah, Mumtaz and Khadim alias Khadim Hussain have sought suspension of their sentence awarded to them by the trial Court vide judgment dated 15.08.2024, passed in Sessions Case No.124 of 2023, under section 3(2) of the Illegal Dispossession Act, 2005 r/w sections 148 & 149 PPC, whereby appellants have been convicted under section 3 of the Illegal Dispossession Act, 2005 and sentenced to suffer **R.I for One Year** and to pay fine of Rs.50,000/- each and in case of default in payment, to suffer S.I for three months more. Appellants were also directed to compensate the complainant party with an amount of Rs.25,000/- each as provided under section 544-A CrPC and in case of payment, each accused shall undergo S.I for one month more.

Learned Counsel for the appellants submits that the appellants were on bail during the trial proceedings before the trial Court and have never misused such concession of bail and the conviction/sentence awarded to the appellants is short one and the disposal of appeal may take time due to backlog of cases before this Court. In support of his contentions, he has placed his reliance on the case of **Abdul Hameed v. Muhammad Abdullah & others** reported as (1999 SCMR 2589). He, therefore, prays for grant of bail to the appellants by suspending their sentence.

Learned Additional P.G appearing for the State, in view of the dictum laid down in the case referred above, recorded his no objection. However, learned counsel for the complainant opposed the application.

In view of the above facts and circumstances of the case, keeping in mind the sentence awarded to the appellants, which as per the Judgment referred (supra) is for one year, which is short one, the Miscellaneous Application No.3811 of 2024 is **allowed** and the appellants are admitted to bail by suspending the operation of impugned Judgment dated 15.08.2024 to the extent of physical confinement, till decision of appeal, subject to furnishing solvent surety in the sum of Rs.1,00,000/- (One Lac) each with P.R bond in the like amount to the satisfaction of Additional Registrar of this Court. However, the possession of the subject property shall be restored as per directions of the trial Court and the SHO is under legal obligation to discharge his professional duties as per directions of the trial Court.

Matters are adjourned to **10.03.2025**. These matters may not be treated as part-heard matters. Office to place a signed copy of this order in captioned connected matters.

JUDGE

Ahmad