

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

Crl. Appeal No. S-175 of 2024

Crl. Jail Appeal No.S-30 of 2024

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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- 1. For haring on M.A No.1568/2021.
- 2. For hearing of main case.

07.10.2026

Mr. Neel Parkash, Deputy Prosecutor General Sindh.  
Mr. Maisum Hussain Sahar, *Amicus Curiae*.  
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The record reflects that the appellant, Ghulam Hussain Shah @ Gogo Shah, has already served out the entire sentence awarded to him. The jail roll received from the concerned prison further shows that he was released from prison on 29.05.2025 after completion of his sentence.

It is further borne out from the record that repeated notices were issued to the appellant requiring his appearance before this Court; however, despite such notices, he has neither appeared nor approached this Court to pursue the present appeal. His continued non-appearance, coupled with the fact that the sentence under challenge has already been completely served and he stands released from custody, leaves no subsisting practical relief being pursued by him in the present proceedings.

Mr. Maisum Hussain Sahar, learned Amicus Curiae, submitted a statement dated 28.09.2026, stating that the appellant has already served out the sentence awarded to him and, despite notice, is no longer willing to pursue the challenge to his conviction. He, therefore, submitted that the appeal may be dismissed as having become infructuous. In support of his

submission, he placed reliance upon *Amir Khan and others v. The State and others* 2002 SCMR 403, *Gul Muhammad and another v. Muhammad Afzal and others* 2007 SCMR 1410, and *Usman Ahmed and another v. The State through Advocate General, Islamabad* 2025 SCMR 1442.

The position finds direct support from the judgment of the Honourable Supreme Court in *Gul Muhammad and another v Muhammad Afzal and others* 2007 SCMR 1410, wherein, in Criminal Appeal No.450 of 2000, upon being informed that the appellant/convict had served out his sentence, the Honourable Supreme Court dismissed the appeal as infructuous.

More recently, the Honourable Supreme Court reiterated the same course in *Usman Ahmed and another v The State through Advocate General, Islamabad* 2025 SCMR 1442. In respect of Criminal Appeal No.567 of 2020, the Supreme Court noted from the report of the Superintendent Central Jail that the appellant, Hamza Jahangir, had served out his sentence and had been released from jail; since none appeared on his behalf, the appeal, having become infructuous, was accordingly dismissed. The operative order likewise records that, after completion of sentence, release from prison and non-appearance on behalf of the appellant, the appeal was dismissed as infructuous.

Reference may also be made to *Amir Khan and others v. The State and others* 2002 SCMR 403, wherein the appellants had served out their entire sentences and had been released; their appeal was not pressed and the Honourable Supreme Court disposed of the connected appeals as having become infructuous. The order records that, following completion of the sentences and release of the appellants, the appeals were disposed of as infructuous.

In the present case, the appellant has similarly served out his entire sentence and was released on 29.05.2025. Despite repeated notices, he has chosen not to appear before this Court or otherwise pursue the appeal. In these circumstances, and following the principles reflected in 2007 SCMR 1410 and 2025 SCMR 1442, no useful purpose would be served by keeping the present appeal pending.

Accordingly, the instant Criminal Appeal, having become infructuous, is dismissed as such.

**JUDGE**

**FAISAL**